



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Gigi Li, Board Chair

Susan Stetzer, District Manager

March 2016 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, March 22, 2016 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

Bill LaCurtis: Speaking on behalf of the New York City Department of Parks, he spoke about the rehabilitation of Hamilton Fish Park.

Micaela O'Connell: Speaking on behalf of the New York City Housing Authority ("NYCHA") Community Outreach program, she asked for resumes from NYCHA residents to work on Hurricane Sandy recovery and future resiliency efforts in Smith Houses.

Vaylateena Jones: Speaking on behalf of the Lower East Side Power Partnership ("LESPP"), she spoke about LESPP's advocacy for psychological and mental health training for Department of Homeless Services. She also spoke LESPP's efforts to advocate for storm resiliency south of Montgomery Street. Finally, she spoke about how LESPP is working to create better after school programs to boost literacy among youth.

Harry Bubbins: Speaking on behalf of the Greenwich Village Society for Historic Preservation, he asked for recommendations for promoting the Business of the Month program. He also spoke about the Mayor's affordable housing legislation and the community board efforts.

Mae Lee: Speaking on behalf of the Chinese Progressive Association, she spoke about the Socioeconomic Independent Planning Project grant given to a local school and the planning for a district-wide resource center and school improvement initiatives in the area.

Sharon Huang: Speaking on behalf of NYC Smoke Free, she spoke about the initiatives her organization is working on to prevent youth smoking.

Robyn Shapiro: Speaking on behalf of the Lowline, she gave an update on the Lowline Lab, stating that the Lab is open to the public on the weekend where the Lab is holding community events. She also announced that the Lab has summer youth employment opportunities available.

Karlin Chan: Speaking on behalf of the Free Masons, he spoke against approval of SLA Item 11, he stated that 162 East Broadway falls within 200 feet of St. Theresa's Church.

Tamara Daley: Speaking as a member of the Orchard Street Block Association, she spoke against approval of SLA item #11 at 162 East Broadway because this address is within 200 feet of a religious institution.

Jenny Yu: Speaking as a resident of the Two Bridges community, she spoke against SLA item #11 and reminded Community Board 3 to consider the views of the Chinese-speaking community near the applicant's address. She read the 200-foot rule.

Christina Zhang: She spoke against approval of SLA item #11 and asked Community Board 3 to reconsider allowed the applicant to have a take-out window.

Pamela Yeh: Speaking on behalf of the Orchard Street Block Association, she spoke against SLA item #11 because of the strong resident opposition to the applicant and the loss of locally owned businesses.

Kodosh Balchetar: Speaking as a business owner for SLA item #11, he stated that he has met with, and gotten approval from, many local residents about the business. He also clarified that the owner of the building and the restaurant applicant are different owners.

Jeremy Yang: Speaking as a resident of 162 East Broadway, he spoke in favor of SLA item #11, he stated that the applicants are doing sufficient work to create a soundproof space.

Thomas Beckman: Speaking as an associate of the principal of the applicants for SLA item #11, he vouched for the character of the applicants.

Salvatore Mule: Speaking as someone that lives near another location owned by the applicants for SLA item #11, he stated that the operators were very good and community oriented.

Emma Culbert: Speaking on behalf of the SPACE Block Association, she stated that the applicants for SLA item #11 met with SPACE to negotiate the stipulations for the applicant's license.

Public Officials:

Mayor Bill de Blasio, Tommy Lin: Not present

Public Advocate Letitia James, Adam Chen: Read the printed report.

Comptroller Scott Stringer, Camille Joseph: Going forward the representative for Community Board 3 will be Elaine Fan. She discussed the Comptroller's concern with the sale Rivington House to a private developer.

Borough President Gale Brewer, Drew Lombardi: The Borough President stated that the Mayor's affordable housing plan is flawed, but it is a good starting place. The Borough President is now working to make sure that construction sites on Manhattan are safer. The Borough President is holding SNAP clinics. There was discussion regarding the proposed affordable housing.

Congressmember Carolyn Maloney, Victor Montesinos: Not present.

Congressmember Nydia Velazquez, Iris Quinones: Not present.

Assemblymember Deborah J. Glick, Charlie Anderson: The Assemblymember is working on legislation to limit the amount of contributions that can be given by a limited liability company, also known as the "LLC Loophole." The Assemblymember supports preventing the development of housing at the lot on Elizabeth Street.

Assemblymember Brian Kavanagh, Edward Cerna: Not present.

State Senator Daniel L. Squadron, Mauricio Pazmino: The Lower Manhattan Development Corporation allocated funds to develop Pier 42 as a park, which the State Senator supports. The State Senator is holding a community convention at PS 124 in May.

State Senator Brad M. Hoylman, Sejal Singh: The State Senator is holding an open house on Earth Day. The State Senator is pushing for the budget to fund the Tenant Protection Unit and environmental programs.

Councilmember Margaret Chin, Vincent Fang: The Councilmember supports the Department of Transportation's investment in South Street to include traffic calming measures. The Councilmember is working with tenants to ensure they have heat and cooking gas. The Councilmember is working to develop Kim Lau Square.

Councilmember Rosie Mendez, Sheila Rodriguez: The Councilmember will be attending the Land Use Committee next month. The Councilmember is holding a press conference for the one-year anniversary of the Second Avenue explosion. The Councilmember will be holding a bicycle helmet giveaway.

Members Present at First Vote:

David Adams	[P]	Luke Henry	[P]	Nancy Ortiz	[P]
Yaron Altman	[P]	Herman F. Hewitt	[P]	Carolyn Ratcliffe	[P]
Dominic Berg	[P]	Trever Holland	[P]	Damaris Reyes	[P]
Karen Blatt	[P]	Anne K. Johnson	[P]	Carlina Rivera	[P]
Lisa Burriss	[A]	Linda Jones	[P]	James Rogers	[P]
Melvin Cartegena	[A]	Vaylateena Jones	[P]	Richard F. Ropiak	[P]
Karlin Chan	[P]	Meghan Joye	[P]	Christopher Santana	[P]
MyPhuong Chung	[P]	Lisa Kaplan	[P]	Susan Scheer	[P]
David Crane	[P]	Carol Kostik	[P]	Laryssa Shainberg	[P]
Enrique Cruz	[P]	Ben Landy	[A]	Wilson Soo	[P]
Cathy Dang	[A]	Mae Lee	[P]	Nancy Sparrow-Bartow	[P]
Eric Diaz	[P]	Alysha Lewis-Coleman	[P]	Josephine Velez	[P]
Leila Eliot	[A]	Gigi Li	[P]	Rodney Washington	[P]
David Ford	[P]	William LoSasso	[P]	Kathleen Webster	[P]
Debra Glass	[P]	Chad Marlow	[P]	Thomas Yu	[A]
Jan Hanvik	[P]	Alexandra Militano	[P]	Zulma Zayas	[P]
Dan Ping He	[P]	Chiun Ng	[P]		

Minutes:

Minutes of January 2016 were approved, as is.

39 YES 0 NO 4 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Gigi Li: The Chair acknowledged the community board members who are not reapplying and invited the board members to a party to celebrate the work of out-going member William LoSasso. At the April full board meeting, all community board members will be taking the oath of office. Public members will need to re-apply to continue to serve on committee. The Chair asked for members interested in changing committees to fill out the appropriate form. The Chair solicited interested in being on the Nominating Committee and separately for the Chair of the Economic Development Committee. Because of the recent award of additional federal funds for resiliency along the waterfront south of Montgomery Street, CB3 will be adding members to the joint CB3-CB6 Resiliency Taskforce to discuss the area of CB3 covered by this new funding.

District Manager's Report:

District Manager Susan Stetzer: The budget for Fiscal Year 2017 begins in July, and the board must now respond to the preliminary budget for FY 2017. There is an opportunity to attend a scoping session for the renovation of Kim Lau Square. The 5th Precinct has been doing incredible investigative work on violations for intercity busses and both 5th and 7th precincts continue to give summons to the problematic intercity busses. There is currently nowhere in Manhattan to tow intercity buses. The Houston Street reconstruction may be finished by the end of the year. The schedule has been stepped up due to CB 3 concerns. The City has also agreed to add 3 street trees and benches to the street public space that is part of the redesign at Houston and Ave A. The Community Board is requesting that the City install countdown lights on Houston from the FDR Drive to Ave A now instead of waiting till the project is complete. The City is looking into potential zoning violations and Certificate of Occupancy violations in the Seward Park garage.

Committee Reports:

Executive Committee

1. Approval of previous month's minutes
no vote necessary / approved by committee
2. Support to urge the NYC administration to adopt a zero net energy standard such as the Passive House standard into the building code

VOTE: TITLE: Community Board 3 Manhattan support for the International Passive House Standard

WHEREAS, New York City is committed to reducing its greenhouse gas (GHG) Emissions by 80 percent by 2050—the level the United Nations projects is needed to avoid the most dangerous impacts of climate change—and will chart a long-term course for a total transition away from fossil fuels to renewable sources of energy; and

WHEREAS, In New York City, our buildings are responsible for the overwhelming share of our GHG emissions, accounting for nearly three-quarters of our contribution to climate change (*Source: One City Build to Last, New York City Mayor's Office of Long-Term Planning and Sustainability*); and

WHEREAS, Passive House standards can be applied to both new construction and renovations; and

WHEREAS, For the renovation of existing buildings, the performance standard is slightly more lenient, but still results in a roughly 90 percent reduction in average heating and cooling energy usage and up to a 75 percent reduction in primary energy usage (*Source: One City Build to Last, New York City Mayor's Office of Long-Term Planning and Sustainability*); and

WHEREAS, President Obama announced new actions to bring renewable energy and energy efficiency to households across the country, and New York State Homes and Community Renewal (HCR) intends to work closely with NYSERDA to monitor the ongoing energy use intensity of any Passive House projects that may be selected for funding under the RFP in order to provide valuable data to the market to accelerate the trend toward construction of Passive House certified affordable multifamily buildings; and

WHEREAS, On Roosevelt Island, Cornell Tech has started work on a 24-story dormitory building which will be on the tallest and largest Passive-House high-rise in the world when it is completed in 2017; and

WHEREAS, New York City is one of the world's leaders in real estate development, architecture and engineering firms, skilled labor unions, financial institutions, and research universities and therefore is uniquely poised to develop the solutions needed to transform our city and share these solutions with the world; and

WHEREAS, New York Passive House (NYPH) is an established local resource of Passive House expertise, working with other local low-energy and sustainability stakeholders, and in continual collaboration with

the Passive House Institute (PHI) for the development and transfer of engineering and environmental technologies; and

WHEREAS, Cost is a major consideration in construction projects and it is essential that all publicly supported PH undertakings be focused on reaching cost parity with conventional construction; and

WHEREAS, PH cost parity has been accomplished on projects in Europe, in the U.S. and New York City and, with the collaboration of global PHI and NYC planning and policy expertise, it would be possible to undertake an initiative of Passive House construction best practices with a goal of achieving cost parity in local demonstration projects; and

WHEREAS, New York City has in the range of 69,000 existing buildings according to the Department of Finance in 2007 and renovating our existing building stock to an energy efficient standard is critical to meeting carbon reduction goals and an incremental renovation plan is needed; and

WHEREAS, Passive House is effective in building renovations and the majority of Passive House projects completed to date in New York City have been renovations; and

WHEREAS, Maximizing energy efficiency in residential buildings would reduce tenant utility costs and improve overall housing affordability; and

WHEREAS, Passive House could facilitate community storm resilience under the coldest and hottest weather conditions, the importance of which is described in New York City's Building Resiliency Task Force (BRTF) Report, issued in response to Hurricane Sandy, as Proposal # 27 Maintain Habitable Temperatures Without Power; therefore be it

RESOLVED, Community Board Three (CB3) supports the investigation of the implementation of the Passive House Classic, Passive House Plus (net zero) and Premium (net positive) Standards for application to new construction and renovation in our community; and be it further

RESOLVED, CB3 supports working towards the adoption of a zero net energy standard, such as Passive House, into the New York City building code by adjusting existing regulations to accommodate differences in methodology and performance; and be it further

RESOLVED, CB3 urges the City to leverage its eco-leadership in construction, finance and innovation with an integrated promotional and green awareness campaign to gain support from government agencies and officials, developers, contractors, unions, real estate, buyers and the public and to normalize a zero net energy standard and the use of renewable energy in our city and across our country.

3. Dissolution of Con Edison Taskforce

VOTE: TITLE: Community Board 3 dissolves the of Con Edison Taskforce

Whereas the Con Edison Settlement funds have been spent and the work of the taskforce is completed, CB 3 therefore dissolves the taskforce.

43 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Landmarks Committee

0. Approval of December 2015 Minutes

no vote necessary / approved by committee

1. Certificate of Appropriateness application for 64 East 4th Street for an addition to the store front of the building to expand the lobby space outward to the existing property line, as well as a façade redesign for the new store front addition

no vote necessary

2. Clemente Soto Velez request for approval to add elevator at rear of building

VOTE: TITLE: CB 3 approves the elevator addition at the rear of Clemente Soto Velez at 107 Suffolk St.

WHEREAS, although not a NYC Landmark, Clemente Soto Velez is an historic C.B.J. Snyder School built in 1897 and is thus deserving of careful treatment; and

WHEREAS, the plan previously approved by CB 3 in 2014 which included an accessible ramp on Suffolk Street could not yet be carried out due to financial constraints; and

WHEREAS, an abridged version of that 2014 plan is necessary in order to provide accessibility; and

WHEREAS, the current application is to resurface the rear yard to provide parking and a public entrance from Norfolk Street and to construct an elevator at the rear providing access to all floors; and

WHEREAS, the design conforms to the design previously approved in 2014; so

THEREFORE BE IT RESOLVED, CB3 approves the proposed rear elevator and parking lot improvements;

BE IT FURTHER RESOLVED, CB3 strongly requests that the City fund the previously approved modifications to the Suffolk Street façade as soon as possible.

43 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Landmarks item 2)

42 YES 0 NO 0 ABS 1 PNV MOTION PASSED (Landmarks item 2)

Land Use, Zoning, Public & Private Housing Committee

1. Approval of previous month's minutes
no vote necessary / approved by committee
2. Essex Crossing development team update
no vote necessary
3. Seward Park Housing Corp informational presentation of plan for conversion of garage from "park and lock" to valet
no vote necessary
4. Extell: update on 250 South Street development
no vote necessary
5. C160137 ZMM ULURP Zoning Map Amendment, to map a C2-5 commercial overlay to a depth of 100' along two and one-half blocks on the south side of E Houston Street between the east side of Norfolk Street and the centerline of the block between Clinton Street and Attorney Street to facilitate the construction of a 13-story mixed use building

VOTE: TITLE: To disapprove the application, C160137 ZMM ULURP Zoning Map Amendment, to map a C2-5 commercial overlay to a depth of 100' along two and one-half blocks on the south side of East Houston Street between the east side of Norfolk Street and the centerline of the block between Clinton Street and Attorney Street to facilitate the construction of a 13-story mixed use building on 255 Houston Street.

Whereas, the applicant Samy Mahfar has a well-documented history of illegal construction and construction harassment at sites including but not limited to 210 Rivington Street, 22 Spring Street, and 102 Norfolk Street; and

Whereas, the development site, was previously a community facility, an affordable city-subsidized day care center serving 350 children that had operated for over 40 years; and

Whereas, the day care center had over fifteen years remaining on its lease; and

Whereas, the day care was forced to be vacated due to the open violations and the applicant's failure to address them; and

Whereas, there are still open violations on the site; and

Whereas, the community intended that this site remain a community facility during the 2008 East Village rezoning and is currently facing the loss of many community facilities throughout CB3; and

Whereas the existing zoning accommodates community facilities on the ground floor; and

Whereas while the proposed zoning amendment covers two and one-half blocks, the application is driven by the desire to grant new zoning to a single property, a type of "spot zoning" that runs counter to the community planning process that resulted in the 2008 rezoning; and

Whereas in an apparent effort to reduce the appearance of "spot zoning" the proposed rezoning would place a commercial overlay on more properties that currently have none and increase the commercial overlay from C1-5 to C2-5 on others, inconsistent with community intentions for the blocks as expressed in the 2008 rezoning; and

Whereas the CB3 community already has a preponderance of residential areas with commercial overlays, where the commercial space is used for nightlife and other activities that are degrading the

quality of life for residents, and this rezoning would open up additional areas on Houston Street and narrow side streets for such activity, contrary to the needs of the community; so

Therefore be it resolved, CB3 disapproves the C160137 ZMM ULURP Zoning Map Amendment, to map a C2-5 commercial overlay to a depth of 100' along two and one-half blocks on the south side of East Houston Street between the east side of Norfolk Street and the centerline of the block between Clinton Street and Attorney Street to facilitate the construction of a 13-story mixed use building on 255 Houston Street.

6. Report from Public Housing Subcommittee
no vote necessary

Old Business

7. Review and vote on Chinatown Working Group Subdistrict C

VOTE: TITLE: Community Board 3 supports the resolution regarding Chinatown Working Group Subdistrict C passed by Community Board 1

WHEREAS, Chinatown Working Group Subdistrict C lies mostly within Community District 1; and

WHEREAS, CB 3 requested that CB 1 pass a resolution first; and

WHEREAS, CB 1 passed the following resolution:

WHEREAS: The Chinatown Working Group (CWG) was established in Fall 2008 to create a democratic and transparent community-based planning initiative to help self-determine the future of Chinatown and the surrounding area; and

WHEREAS: CWG was comprised of fifty-two member organizations including all three Community Boards covering portions of Chinatown and surrounding areas; and

WHEREAS: CWG concerned itself with the following goals: Housing Affordability, Culture & Historic Preservation, Economic Development & Revitalization, Education & Schools, Immigrant Affairs & Social Services, Parks, Open Space & Recreation, Traffic, Transportation, Circulation & Security and Zoning; and

WHEREAS: The Chinatown Working Group engaged the services of The Pratt Center for Community Development and the Collective for Community Culture and the Environment (The Pratt Center) to create a framework for preserving affordability for residents and businesses, promoting new affordable housing and jobs, and preserving the cultural heritage of Chinatown and the surrounding areas; and

WHEREAS: The Pratt Center produced the Plan for Chinatown and Surrounding Areas: Preserving Affordability and Authenticity, issued in December 2013, which contains recommendations for affordability, economic development and culture and historic preservation and options for the creation of a Special Purpose Zoning District to advance these goals; and

WHEREAS: The Pratt Center has recommended that the Chinatown Working Group adopt zoning recommendations to advance the zoning and affordability goals of the plan; and

WHEREAS: The plan recommends zoning changes in the six block area "C" south of Canal Street in CB1 that would allow increases in floor area for new developments provided that permanently affordable housing is included; and

WHEREAS: Community Board 1-Manhattan, in which most of the plan area is located, has requested that Community Board 1 recommend zoning options for Area "C"; now

THEREFORE BE IT RESOLVED THAT: CB1 recommends that CB3 include the zoning recommendations of the Pratt Collaborative for area "C" of the study area to encourage mixed-use commercial and residential development, with permanently affordable housing components; and

BE IT FURTHER RESOLVED THAT: CB1 requests that the affordability formula for new residential units in CB1 be set at 165% of Area Median Income (AMI).

BE IT FURTHER RESOLVED THAT: CB1 encourages the development of appropriate infrastructure to support new residential units that will result from any changes in zoning proposed by the Chinatown Working Group.

SO THEREFORE BE IT RESOLVED, CB 3 supports the resolution as passed by CB 1; and

BE IT FURTHER RESOLVED, CB 3 looks forward to continuing to work with agencies, stakeholders, and other community boards in order to achieve the goals articulated by the Chinatown Working Group.

42 YES 0 NO 0 ABS 0 PNV MOTION PASSED (Land Use ULURP item 5)

43 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Land Use item 5)

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

1. Approval of previous month's minutes
no vote necessary / approved by committee
2. Request for support for discretionary capital grant for Barrier Free transitional housing

VOTE: TITLE: Community Board 3 Manhattan support for the \$4.4 million capital grant request for Barrier Free Living facility

WHEREAS, Barrier Free Living works with homeless and formerly homeless people with disabilities and survivors of domestic violence with disabilities and their children and has been operating in and around Community Board 3 since 1981; and

WHEREAS, one of the programs Barrier Free Living offers is a Transitional Housing program for 48 severely disabled homeless people at 270 East 2nd Street and is the only DHS shelter in NYC for severely disabled homeless; and

WHEREAS, the building at 270 East 2nd Street has significant structural issues which, if not repaired in a timely manner, will lead to the closing of the building; and

WHEREAS, Barrier Free Living has applied for a \$4.4 million discretionary capital grant from the Homeless Housing Assistance Project to complete the needed repairs; and

WHEREAS, the grant will allow Barrier Free Living to not only address imminent safety concerns as well as damage to the building exterior and roof, but will also allow it to continue operating during rehabilitation; and

WHEREAS, the grant will include updates within the building, such as maintenance to the elevators, replacement of windows, upgrades to electrical service, and enhanced fire protection. These repairs will extend the useful life of the building for an additional 25 years; so

THEREFORE BE IT RESOLVED, that Community Board 3 supports the funding of a capital grant to Barrier Free Living so that it may continue to operate as a much needed and valuable facility in the community for years to come.

3. Informational presentation by NYU Medical Center's Department of Population Health on the Medical Center's Community Service Plan to improve health in Community District 3
no vote necessary
4. Implementation of school accessibility for schools in CB 3
no vote necessary

5. Request for support for New York Academy of Medicine's Age-Friendly Neighborhood Initiative Neighborhood Action Plan

VOTE: TITLE: Community Board 3 Manhattan support for New York Academy Of Medicine Age-Friendly initiative with modifications

WHEREAS, the New York Academy of Medicine has asked for CB 3 support for its Age-friendly Neighborhood Initiative Neighborhood Action Plan in the Council District 1 section of Community Board 3; and

WHEREAS, the Age-friendly Neighborhood Initiative's mission is to bring forward the concerns and suggestions of older adults in a given community in order to collectively strategize and implement a plan to make the area's economic and civic life more inclusive of older adults.

WHEREAS, many of the goals and planned actions in the Neighborhood Action Plan correspond to needs for seniors and those with limited mobility identified in the CB 3 Community Planning Fellow report of 2014-2015, "Community Accessibility Study for Seniors and People with Mobility Disabilities"; and

WHEREAS, in other recent studies Community Board 3 has identified additional needs that should be included in the Neighborhood Action Plan; so

THEREFORE BE IT RESOLVED, that Community Board 3 supports the Age-friendly Neighborhood Initiative Neighborhood Action Plan if the final plan includes the following goals and actions:

- 1) A more detailed description of how Business Improvement Districts can assist businesses in becoming more accessible
 - 2) An added short-term goal that facilitates easier and safer access to the bus by providing regular, ongoing enforcement at bus stops to prevent other vehicles from parking there
 - 3) An added short-term goal that focuses on safety concerns at various intersections, including those with nearby construction
 - 4) Redesign of CityBenches to be ADA compliant as it pertains to the medium-term transportation goal of identifying locations for potential placement of CityBenches
 - 5) Improvement of broken sidewalks located at the City's properties under the Manhattan Bridge as it pertains to the long-term goal of improving safety, access, and ease of use for people who have mobility limitations.
6. Review of CB Budget requests for agency follow-up
no vote necessary

43 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Economic Development Committee

1. Approval of previous month's minutes
no vote necessary / approved by committee

Joint Economic Development/SLA

2. Economic Development/SLA Committee policy statement on including retail diversity as a factor of public benefit in 500-foot rule consideration

VOTE 1:TITLE: Community Board 3 consideration of public interest and retail diversity when making recommendations for 500-foot liquor license applications.

Whereas, Community Board 3 has been impacted by the loss of small independent businesses and the over-saturation of licensed nightlife establishments for years, especially in the East Village and Lower East Side, and

Whereas, in many neighborhoods throughout CB3, applicants for fully licensed establishments are located within 500 feet of three or more full on premises licenses (op), and sometimes within 500 feet of upward of 35 other fully licensed establishments, and the State Liquor Authority approved new licenses despite this saturation, and

Whereas, the SLA provides for licenses in this (op) category to be subject to the 500-foot rule, which states that unless there is an affirmative finding by the SLA that it is in the public interest to issue the license, there is a presumption that the license should not be issued, and

Whereas, the impact of more and more storefronts being fully licensed in CB3 creates an environment where high commercial rents are forcing out more and more small businesses, each new storefront that is licensed in CB3 contributes to the loss of storefronts that could be providing much needed and affordable goods and services to local residents, and

Whereas, licensed destination nightlife venues are typically able to afford an inflated higher rent not affordable to local mom and pop businesses, which has resulted in a loss of local businesses serving the needs of local residents affordably, and

Whereas, CB3 has attempted to address this issue for many years by performing research, conducting surveys, performing outreach to landlords, creating resources for small businesses, and more, yet the issue continues unmitigated, and

Whereas, there is precedent case law that does not permit building tax base or providing jobs to be considered as criteria that create public interest, and

Whereas, the saturation of liquor licenses has created numerous issues for residents, including those that impact quality of life, affordability of local goods and services, traffic and safety, sanitation and rodents, noise, and loss of this community's family-oriented residential and immigrant entrepreneur character, and

Whereas the existing nightlife businesses generally do not open before 5:00 p.m., resulting in blocks with little foot traffic and conditions that make other daytime businesses not viable, and

Whereas, there has been a trend in CB 3, north of Houston Street, of applications for liquor licenses for combined two or three storefronts to create large nightlife venues not appropriate for residential neighborhoods, and

Whereas, in March, 2008 CB 3 voted on a policy via resolution that stated that applicants for full liquor licenses that are subject to the 500-foot rule will be denied unless they can establish that an approval would be in the public interest, and incorporated the SLA criteria in effect at that time, and

Whereas, CB 3 further addressed the issue in February 2011 via resolution that further defined public benefit in consideration of a 500-foot rule application to include whether a majority of the operation of an applicant business:

- provides a good or service that is needed by the local community,
- provides unique goods or services not already in the local community,
- provides a cultural benefit or increases in retail diversity,
- enhances the quality of life of the residents, or
- includes a conscientious business owner who would act as stabilizing force in the community

So, therefore be it resolved, that CB 3 reaffirms its resolutions of March 2008 and February 2011 and will not approve license applications that are subject to the 500-foot rule unless they meet the high standard of being in the public interest, and

Therefore, be it further resolved, that CB 3 states unambiguously that in considering a 500-foot rule application and whether the granting of a license is in the public interest, the Board will focus its analysis on whether or not the granting of the license would create a benefit for the general public and local community, not that of the applicant and prospective license holder, and

Therefore, be it further resolved, that in considering a 500-foot rule applicant and whether the granting of a license is in the public interest, the Board will consider the impact of another license on the strength and diversity of the local economy, and specifically whether it would impact the existing retail mix and diversity in the specific area where the license would be located.

VOTE 2:TITLE: Request for State Senators to facilitate a meeting with SLA chair for guidance on public interest in 500-foot applications

Whereas CB 3 has been impacted by the loss of small independent businesses and the over-saturation of licensed nightlife establishments for years, and

Whereas, many applicants for fully licensed establishments are located within 500 feet of 3 or more full on premises licenses, and sometimes within 500 feet of upwards of 35 other fully licenses establishments, and

Whereas, the New York State Liquor Authority (SLA) provides for licenses in this category to be subject to the 500-foot rule, which states that unless there is an affirmative finding by the SLA that it is in the public interest to issue the license, there is a presumption that the license should not be issued, and

Whereas, there is precedent case law that does not permit building tax base or providing jobs to be considered as criteria that create public interest, and

Whereas CB 3 is responsible to the community for considering license applications within the existing 500-foot rule and

Whereas the 500-foot rule does not define public interest and the SLA has declined to define public interest, so

Therefore be it resolved that CB 3 requests that the two state senators representing CB 3 facilitate a meeting with the SLA Chair to receive guidance regarding public interest findings and what may or may not be considered "in the public interest."

43 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Transportation & Public Safety and Environment Committee

1. Approval of previous month's minutes
no vote necessary / approved by committee
2. Request for support to retrofit CB 3 tree pits as support for infrastructure that is more absorbent of storm water

VOTE: TITLE: Resolution Supporting Right of Way Bioswale Treepits in NYC resiliency plans including the East Side Coastal Resiliency Project

Whereas, Over \$600 million in Federal Housing and Urban Development (HUD) and City funds will be allocated to make Lower Manhattan resilient to flooding. Manhattan Community District 3 (CD 3) is described as highly urbanized, with minimal ecological habitat and a susceptibility to flooding. CD 3 is prone to flooding from coastal storm surges, which happened during Superstorm Sandy, and to rapid localized flooding in our streets which happens regularly during rain events:

- The waterfront adjacent streets of CD 3 are low-lying areas with a base flood elevation less than 10 feet. NYC has a gravity-driven sewer system, so stormwater flows downhill into areas of low elevation.
- Therefore, the catch basins and sewers in low lying areas have an additional burden to process rainwater being conveyed there from all the upstream areas of higher elevation.
- Localized flooding is exacerbated because only 5% of the land in Lower Manhattan can naturally absorb stormwater into the ground, which burdens our sewer infrastructure. The proposal awarded **most of the HUD funding cites CD 1 and CD 3 as having 95% water impervious ground cover, such as concrete and pavement. The citywide average is 72%; and**

Whereas, When the sewer capacity to process storm water is exceeded it can lead to combined sewer overflows, sewer backups **and surcharges**, and localized street flooding which can pollute our waterways and streets. Street flooding and ponding collects along the corners and crosswalks, which forces people to cross outside of crosswalks into busy streets, trudge through ponding stormwater that may not be sanitary, or try and leap over stormwater ponds. This is a particular burden on the health and safety of the community district's large population of young families, elderly, disabled and otherwise vulnerable residents; and

Whereas, CD 3 treepits are widely available potential green infrastructure assets that could create a web of resilient stormwater source controls that soak stormwater into the ground and lower loads on our sewers:

- Currently, treepits are often neglected, underutilized and left disconnected from the flow of stormwater as they are raised above the curbside where stormwater flows before ultimately going into our sewer system. Many of these tree pits also have compacted soil that cannot absorb stormwater efficiently.
- A tree pit retrofit can open the curbside and grade the pit to connect stormwater in the street with water absorbent spaces. This creates *right of way bioswale tree pits*, engineered to allow water absorbent spaces in an urban environment to efficiently divert, slow down, infiltrate and process upstream stormwater before it can cause flooding in the streets and/or put stress on the sewers and our wastewater treatment plants.
- Dense planting arrangements in bioswale tree pits have more widespread root systems with greater capacity to absorb and manage much more stormwater than the single trees that currently exist.
- In Brooklyn, the Bronx and Queens, NYC DEP, DDC, DPR, and DOT are constructing 1000s of *right of way bioswale tree pits*. Currently installed right of way bioswale pilots have been found to be a valuable tool in managing stormwater and minimizing loads on the sewer system as illustrated in the DEP's report on the pilot, "Post Construction Monitoring Report for Green Infrastructure Neighboring Areas;" and

Whereas, Mitigating localized street flooding with green infrastructure assets would be less disruptive and be quicker and cheaper than traditional grey infrastructure. In addition, many of CD 3's tree pits need rehabilitation, so retrofitting them into green infrastructure assets would provide desirable benefits to the community:

- The design of the curb cuts and the grading of the pit allow the plantings to efficiently self-water any time it rains, increasing chances of survival for the tree.
- Treepits should enhance the streetscape. Many of these tree pits currently have weeds, trash, animal waste, rat holes, partial collapses, no trees, dead trees, diseased trees, and a monoculture of plantings leading to poor horticultural results and a cycle of neglect.
- Bioswale tree pits use dense and diverse plantings – such as roses, irises, black-eyed susans, coneflowers, asters, and many other flowering plants, shrubs and grasses – providing refuge for pollinators, beneficial insects, other local fauna and a more diverse, healthy ecosystem.

- Bioswale tree pits provide other environmental improvements, such as trapping noxious gases and particulate material, breaking down pollutants, promoting carbon sequestration and evapotranspiration, improving air quality and mitigating the urban heat island effect; and

Whereas, Bioswales were a key component of prominent NYC resiliency plans such as the "BIG U Proposal" (East Side Coastal Resiliency Project), PlaNYC: Stronger More Resilient New York, OneNYC, The NYC Green Infrastructure Plan, The East River Blueway Plan and others. In the spirit of these plans, bioswales can promote various community organizations and common goals:

- The implementation of bioswale tree pits provides an opportunity to expand NYCHA's Garden and Greening program as well as further the city's commitment to local training and jobs for residents and organizations impacted by Hurricane Sandy.
- Potential treepits for rehabilitation and retrofitting are geographically distributed, which allows us to equitably extend ecological networks and green space from parks across the neighborhood, creating urban green corridors that recuperate the grounds ability to absorb stormwater.
- The "BIG U Proposal" that was awarded much of the HUD funding highlights the importance of green, storm water absorbing corridors to help reconfigure underutilized paved and open space to capture storm water and link upland neighborhoods to the waterfront.
- The revitalization of neglected green spaces is consistent with gardening activism in CD 3 and is a mechanism for promoting community stewardship, social programming, and spreading information on the environment, hydrology, and ways to encourage preparation and resiliency to flooding.
- Community-based organizations such as Loisada United Neighborhood Gardens (LUNGS), Gardens Rising, The Coalition to Establish a Community Gardens District, the 12th St Block Association and Suffolk St Community Garden are supporting and/or seeking funding to redesign existing treepits, construct bioswales and provide needed street tree maintenance.

Therefore be it resolved, CB 3 Manhattan calls upon the Mayor's Office of Recovery and Resiliency to strongly support the study and retrofitting of feasible street tree pits into right of way bioswale tree pits with a portion of the hundreds of millions of dollars to be spent on the East Side Coastal Resiliency Project. Bioswales should not be overlooked as an efficient, cost effective source control to achieve greater resiliency and mitigate the impacts of the community district's widespread low-lying areas and overwhelming water impervious cover with many co-benefits. Wherever possible, treepits should be reconfigured to provide maximum stormwater retention through maintenance programs and redesign elements.

Therefore be it further resolved, CB 3 Manhattan supports the efforts of community based organizations such as Loisada United Neighborhood Gardens, Gardens Rising, block associations and community gardens to secure financing to address bioswale and treepit construction, redesign and maintenance.

3. DOT presentation on upgrade of 2-way protected bicycle lane on Chrystie Street from Canal Street to Houston

VOTE: TITLE: Community Board 3 support for Chrystie Street Bike Lane

WHEREAS, Community Board 3 passed a resolution asking for safety improvements to Chrystie Street in February of 2015. Current conditions on Chrystie Street all but guarantee hazards for cyclists and drivers alike with severely faded bike lanes in the southbound direction, and with uneven and hummock-filled surfaces; and

WHEREAS, The community has expressed much support for a bike lane on Chrystie Street and improvements to the corridor; and

WHEREAS, Southbound cyclists on Second Avenue must regularly contend with double parked vehicles and garage driveways blanketing the west side of the street; and

WHEREAS, DOT's design creates a 2-way protected bike lane on the east side of Chrystie Street between Houston Street and Canal Street, allows cyclists to use the east side of the Street separated from light industrial traffic, improves the transition for cyclists from Second Avenue to Chrystie Street and creates more direct path to the Manhattan Bridge; and

WHEREAS, Bike counts on Chrystie Street were 2,989 cyclists in a 14-hour period, thereby indicating heavy use by cyclists; and

WHEREAS, Improvements to the intersection of Chrystie Street and Delancey Street include a protected signal phase to reduce conflicts with pedestrians, cyclists and vehicles; and

WHEREAS, The plan calls for the reconfiguration of traffic islands at Chrystie Street north of Canal Street and Second Avenue north of Houston Street, in order to improve traffic flow and increase pedestrian safety; and

THEREFORE BE IT RESOLVED, That Community Board 3 supports the proposed design of a 2-way bike lane on Chrystie Street and the pedestrian safety measures that will be installed along the Chrystie Street corridor; and

FURTHER BE IT RESOLVED, That DOT has agreed to hold public stakeholder meetings during the daytime with community groups including but not limited to the Sara D. Roosevelt Park Coalition. DOT will work with Sara D. Roosevelt Park Coalition on outreach to other stakeholders and solicit feedback. They will return to the Transportation Committee with a final design in May.

4. Proposed traffic calming measures and bicycle route on Pitt Street from Grand Street to Houston Street
no vote necessary
5. 180 Orchard St (Indigo Hotel) Request for 28 foot loading zone for guests

VOTE: TITLE: Community Board 3 to Approve a 28' Loading Zone at the Hotel Indigo

WHEREAS, Hotel Indigo at 171 Ludlow/180 Orchard has requested a 28 foot defined loading and unloading zone; and

WHEREAS, Hotel Indigo already has an as of right loading zone in front of the hotel on Ludlow Street which is used for guests but is not sufficient for groups and deliveries; and

WHEREAS, the second loading zone would be located at the back of the hotel at 180 Orchard Street adjacent to the Orchard Street entrance to the hotel, which is currently a 'no standing' zone Monday through Friday 7am to 7pm with open parking on Saturday and full street closure on Sunday; and

WHEREAS, the second loading zone would permit passenger drop off for hotel guests, especially larger groups, and would also provide space for daily deliveries; and

WHEREAS, a second loading/unloading zone would provide for organized delivery with fewer adverse effects on traffic; and

WHEREAS, since parking is not currently metered at 180 Orchard Street, there would be limited commercial impact; so

THEREFORE BE IT RESOLVED, Community Board 3 supports a second loading zone of 28 feet for Hotel Indigo at 180 Orchard Street that will not operate on Sundays from 8am to 6pm so as not to conflict with Sunday street closure.

43 YES 0 NO 0 ABS 0 PNV MOTION PASSED

SLA & DCA Licensing Committee

There was discussion regarding the public benefit of have a new license at 162 East Broadway and whether to ask the SLA to pay particular attention to whether the applicant is within 200 feet of a religious institution. There was discussion of whether the applicant should submit a final business model. There was concern regarding the sidewalk congestion that will result from having an order window. There was also discussion of whether the applicant would be subject to a 500-Foot Rule Hearing.

1. Approval of previous month's minutes
no vote necessary / approved by committee

Applications within Saturated Areas

2. To be Determined, 179 Ave B btwn E 11th & E 12th 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 The Matador Restaurant Group, for the premise located at 179 Avenue B, 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 stipulations that

- 1) it will operate as a full-service Mexican restaurant, with a kitchen open to within one (1) hour of closing and serving food during all hours of operation,
- 2) its hours of operation will be 4:00 P.M. to 1:00 A.M. all days,

- 3) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 4) it will not commercially operate any outdoor areas,
- 5) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it may have "happy hours" to 7:00 P.M. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will not have wait lines outside and it will designate an employee responsible to oversee patrons on the sidewalk and ensure no crowds or noise outside,
- 10) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 11) 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 applicant has operated a business with a wine beer license on this block for ten (10) years without complaints, 2) although one (1) resident appeared and two (2) letters were submitted in opposition to this application, this applicant has demonstrated support for this application, in that it has furnished seventy-one (71) petition signatures from area residents in support of its application, and 3) the applicant is proposing to operate a business with a similar method of operation to the previous business and with reduced nighttime hours.

3. Quality Eats (Downwind from Pastrami LLC), 177 Ludlow St btwn E Houston & Stanton Sts (op)
no vote necessary
4. Ludlow St Associates LLC, 165-167 Ludlow St btwn E Houston & Stanton Sts (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny 165-167 Ludlow St

WHEREAS, Ludlow St Associates LLC is seeking a full on-premise liquor license for the premise located at 165-167 Ludlow Street, between East Houston Street and Stanton Street, New York, New York; and

WHEREAS, this application is for a tavern with a certificate of occupancy of one hundred forty-eight (148) people, twenty-four (24) tables and eighty-two (82) seats, hours of operation of 4:00 P.M. to 3:00 A.M. Sundays through Wednesdays and 4:00 P.M. to 4:00 A.M. Thursdays through Saturdays, a twenty-eight (28) foot bar with nine (9) stools, no kitchen, a prep area serving "pub style food" to closing, recorded music and DJs, two (2) security guards Sundays through Thursdays and four (4) to five (5) security guards Fridays and Saturdays, happy hours to 8:00 P.M. and no agreement to have no wait lines; and

WHEREAS, Community Board 3 heard the previous applicant for a full on-premise liquor license in December of 2003 and approved it provided it signed stipulations that it would 1) have DJs no more than twenty (20) nights per year, and 2) operate consistent with the method of operation stated in its application.; and

WHEREAS, it was then heard as a renewal by Community Board 3 in May of 2008 and denied because it had received multiple violations for underage sales and there had been multiple reports of crimes occurring at the location; and

WHEREAS, the license of the previous applicant was then suspended by the SLA in January of 2015; and

WHEREAS, Community Board 3 has now received complaints from residents of the surrounding buildings, as well as an online petition (appended hereto) from residents detailing complaints, of loud music coming from this business and noisy unruly patrons blocking the sidewalk in front of this business and identifying this business as "the worst offender" of area nightlife businesses; and

WHEREAS, consistent with their complaints, residents also provided numerous SLA reports (appended hereto) issued against the previous licensee, at least four (4) of which are still pending before the SLA, detailing violations for disorderly premise, illegal cabaret, obstructed exits and inadequate or absent emergency lights; and

WHEREAS, residents also expressed concern that this applicant participated in the operation of the previous business, in that the applicant reported working as a part-time weekend bartender and DJ at this business, and will, consequently, continue its bad operation; and

WHEREAS, there are fifty-six (56) full on-premise liquor licenses within five hundred (500) feet of this location, eight (8) of which are on this block of Ludlow Street, between East Houston Street and Stanton Street, including two (2) multi-venue hotels; and

WHEREAS, the applicant furnished no public benefit or interest in the approval of this full on-premise liquor license for a tavern, with recorded music and DJs, which has already demonstrated that it cannot control its patrons, and which, despite the representations of the applicant, this community board believes will be operated with the same method of operation as the existing business; and

WHEREAS, although the applicant has worked in various positions at businesses within the nightlife industry, it has no managerial experience in licensed or similarly operated businesses; and

WHEREAS, although the applicant demonstrated support for its application by providing one hundred twenty-two (122) petition signatures, there is demonstrated community opposition to the existing business and a new tavern at this location which would have a full on-premise liquor license, in that the LES Dwellers, a local resident association appeared in opposition to this application and furnished that above-referenced on-line petition, and residents of the surrounding area also appeared in opposition to this application; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premise liquor license for Ludlow St Associates LLC, for the premise located at 165-167 Ludlow Street, between East Houston Street and Stanton Street, New York, New York.

5. Jolie's NYC (Liquid JV LLC), 129-131 Ave C btwn E 8th & E 9th Sts (op)

MOTION #1: TO DENY THE NEW APPLICATION

VOTE: TITLE: Community Board 3 Recommendation To Deny The Application For A New Full On-Premise Liquor License For Liquid JV LLC at 129-131 Avenue C

WHEREAS, Liquid JV LLC, presently doing business as Jolie's NYC, is seeking a full on-premise liquor license for the premise located at 129-131 Avenue C, between East 8th Street and East 9th Street, New York, New York; and

WHEREAS, although this application has been identified to Community Board 3 as a bulk asset sale, Bassam Saliba, one of the instant principals, was also the principal of Bab LLC, the previous corporation licensed at this location;

WHEREAS, the present application is for a tavern hookah bar with a certificate of occupancy of one hundred forty-eight (148) people in both storefronts, twenty (20) tables and eighty (80) seats, hours of operation of 11:00 P.M. to 4:00 A.M. all days, two (2) twelve foot standing bars with no stools, no kitchen, a prep area serving "appetizers and finger foods" to within one (1) hour of closing, accordion doors and windows closing at 10:00 P.M., five (5) televisions, recorded music and DJs at entertainment levels and four (4) security guards; and

WHEREAS, Community Board 3 heard the previous applicant, which included the principal Bassam Saliba, for a full on-premise liquor license in February of 2005 and approved it provided it signed stipulations that it would 1) operate a full-service restaurant, serving food to within one (1) hour of closing, 2) close its backyard at 10:00 P.M. all days, and 3) play no music; and

WHEREAS, it was then heard as a renewal by Community Board 3 in May of 2006 because it had received multiple violations, including violations for loud music, lack of crowd control in front of the establishment, alcohol being served after 4:30 A.M. and unlicensed security, and Community Board 3 then asked the SLA to investigate for revocation this licensee because it was operating inconsistent from its method of operation; and

WHEREAS, it was again heard as a renewal by Community Board 3 in April of 2008 with additional violations for loud music, lack of crowd control in front of the establishment, alcohol being served after 4:30 A.M. and unlicensed security, and was then denied by Community Board 3; and

WHEREAS, the previous applicant then appeared before Community Board 3 in June of 2012 for an application to extend its full on-premise liquor license into the adjacent storefront at 129 Avenue C and add a standup bar and, because there had been no new complaints reported to Community Board

3 and because Community Board 3 was unaware of any additional history of violations since April of 2008, was denied unless the applicant agreed to make as conditions of its license the stipulations that 1) it would operate a Mediterranean restaurant and hookah lounge, serving food during all hours of operation, 2) its hours of operation would be 6:00 P.M. to 1:00 A.M. Sundays, Tuesdays and Wednesdays and 6:00 P.M. to 4:00 A.M. Thursdays through Saturdays, 3) it would employ at least one (1) security guard weekdays and up to three (3) security guards on weekends, and would locate one (1) security guard at the door at all times and employ an identification scanner, 4) it would play recorded music and have DJs no more than three (3) times per week but would not have live music, promoted events, scheduled performances or any event at which a cover fee would be charged, and 5) it would close any façade doors and windows by 10:00 P.M. every night and when DJs are playing; and

WHEREAS, Community Board 3 has now received complaints from residents of the existing building and surrounding buildings of loud music and vibrations from the bass at this business, noisy unruly patrons blocking the sidewalk and residential entrances and harassing residents, causing them to feel unsafe when they walk down the street or try to enter their homes, wait lines outside with velvet ropes, loud inattentive bouncers who are apparently not controlling the patrons and a lack of response from the business management to repeated complaints; and

WHEREAS, residents also stated that the previous business was closed for approximately one (1) month and has now opened and operated with an upgraded speaker system which has made an already unlivable situation for residents unbearable (one resident, a combat veteran, stated that he had slept better in Afghanistan than he does while this business is open), and with a lack of control of patrons which has caused the business owner to institute a procedure for frisking patrons before they enter the business and has caused numerous police to respond to this location, on one occasion shutting down the street, to address large fights; and

WHEREAS, twenty-four (24) of the twenty-eight (28) residents of 129 Avenue C signed a petition (appended hereto) in opposition to the approval of this license application for the above-stated reasons and the four (4) who did not sign were not home at the time of the circulation of the petition; and

WHEREAS, residents who appeared before Community Board 3 also described this business as only being open late at night to 4:00 A.M., Thursdays through Sunday mornings, which is inconsistent with its last stated method of operation which included hours of operation all days, and residents have asked Community Board 3 not to ratify an existing unlivable method of operation which for them would be extended from four nights a week to all nights a week; and

WHEREAS, residents have stated that 129-131 Avenue C was constructed before 1900, is not designed to house a late night club with loud music, vibrating bass and numerous patrons and the result of these conditions for residents is vibrations through the fourth floor of the building which cause pieces of brick to fall from their walls; and

WHEREAS, consistent with the observations of residents, the 9th Precinct responded to large fights at this location on February 20, 2016, and February 27, 2016, and during one of these incidents, citations were issued against the business, a person was arrested for assault and a police officer was injured; and

WHEREAS, consistent with these complaints, the previous licensee has sustained charges on August 19, 2015, for a sale to minor, a conditional no-contest plea on December 14, 2007, for six (6) nuisance violations, after hours consumption and three (3) sales to minors, a conditional no-contest plea on December 5, 2008, for absence of or inadequate emergency signs, locked exits, exceeding its maximum occupancy and unlicensed security and cabaret, conditional no-contest plea on November 6, 2009, for no emergency exits, exceeding its maximum occupancy and unlicensed cabaret and sustained charges on March 3, 2010, for purchasing alcohol from an unauthorized source;

WHEREAS, consistent with this observed method of observation a club and inconsistent with its stipulations from June of 2012, the website for the previous business advertised live music and belly dancing, multiple patrons on YELP have commented about its dancing and bottle service and YELP lists this business as open Fridays and Saturdays, from 10:00 P.M. to 4:00 A.M.; and

WHEREAS, there are twelve (12) full on-premise liquor licenses within five hundred (500) feet of this location, five (5) of which are on this block of Avenue C, between East 8th Street and East 9th Street, and on the same side of the street as this location; and

WHEREAS, the applicant furnished no public benefit or interest in the approval of this full on-premise liquor license for a tavern hookah bar, with entertainment level recorded music and DJs, which has already demonstrated that it cannot or will not control its patrons; and

WHEREAS, this applicant has failed to demonstrate support for its proposed business plan, in that it failed to provide petition signatures from area residents in support of its business as required by Community Board 3; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premise liquor license for Liquid JV LLC, presently doing business as Jolie's NYC, for the premise located at 129-131 Avenue C, between East 8th Street and East 9th Street.

MOTION #2: TO DENY THE RENEWAL OF THE EXISTING FULLON-PREMISE LIQUOR LICENSE

VOTE: TITLE: Community Board 3 Recommendation To Deny The Renewal of the Full On-Premise Liquor License For Bab LLC

WHEREAS, Bab LLC, presently doing business as Jolie's NYC, will be seeking the renewal of its full on-premise liquor license for the premise located at 129-131 Avenue C, between East 8th Street and East 9th Street, New York, New York, which expires on April 30, 2016; and

WHEREAS, Bassam Saliba, the only principal on the instant license, is now applying to Community Board 3 as one of two principals of Liquid JV LLC, which is also seeking a full on-premise liquor license for this location;

WHEREAS, Community Board 3 heard this applicant for a full on-premise liquor license in February of 2005 and approved it provided it signed stipulations that it would 1) operate a full-service restaurant, serving food to within one (1) hour of closing, 2) close its backyard at 10:00 P.M. all days, and 3) play no music; and

WHEREAS, it was then heard as a renewal by Community Board 3 in May of 2006 because it had received multiple violations, including violations for loud music, lack of crowd control in front of the establishment, alcohol being served after 4:30 A.M. and unlicensed security, and Community Board 3 then asked the SLA to investigate for revocation this licensee because it was operating inconsistent from its method of operation; and

WHEREAS, it was again heard as a renewal by Community Board 3 in April of 2008 with additional violations for loud music, lack of crowd control in front of the establishment, alcohol being served after 4:30 a.m. and unlicensed security, and was then denied by Community Board 3; and

WHEREAS, this applicant then appeared before Community Board 3 in June of 2012 for an application to extend its full on-premise liquor license into the adjacent storefront at 129 Avenue C and add a standup bar and, because there had been no new complaints reported to Community Board 3 and because Community Board 3 was unaware of any additional history of violations since April of 2008, was denied unless the applicant agreed to make as conditions of its license the stipulations that 1) it would operate a Mediterranean restaurant and hookah lounge, serving food during all hours of operation, 2) its hours of operation would be 6:00 P.M. to 1:00 A.M. Sundays, Tuesdays and Wednesdays and 6:00 P.M. to 4:00 A.M. Thursdays through Saturdays, 3) it would employ at least one (1) security guard weekdays and up to three (3) security guards on weekends, and would locate one (1) security guard at the door at all times and employ an identification scanner, 4) it would play recorded music and have DJs no more than three (3) times per week but would not have live music, promoted events, scheduled performances or any event at which a cover fee would be charged, and 5) it would close any façade doors and windows by 10:00 P.M. every night and when DJs are playing; and

WHEREAS, Community Board 3 has now received complaints from residents of the existing building and surrounding buildings of loud music and vibrations from the bass at this business, noisy unruly patrons blocking the sidewalk and residential entrances and harassing residents, causing them to feel unsafe when they walk down the street or try to enter their homes, wait lines outside with velvet ropes, loud inattentive bouncers who are apparently not controlling the patrons and a lack of response from the business management to repeated complaints; and

WHEREAS, residents also stated that this business was closed for approximately one (1) month and has now opened as Jolie's NYC, the business of the proposed new applicant with the same principal,

Bassam Saliba, and is now operated with an upgraded speaker system which has made an already unlivable situation for residents unbearable (one resident, a combat veteran, stated that he had slept better in Afghanistan than he does while this business is open and music is playing), and with a lack of control of patrons which has caused the business owner to institute a procedure for frisking patrons before they enter the business and has caused numerous police to respond to this location, on one occasion shutting down the street, to address large fights; and

WHEREAS, twenty-four (24) of the twenty-eight (28) residents of 129 Avenue C signed a petition (appended hereto) in opposition to the approval of a liquor license at this location for the above-stated reasons and the four (4) who did not sign were not home at the time of the circulation of the petition; and

WHEREAS, residents who appeared before Community Board 3 also described this business as only being open late at night to 4:00 A.M., Thursdays through Sunday mornings, which is inconsistent with its last stated method of operation which included hours of operation all days, and residents have asked Community Board 3 not to ratify an existing unlivable method of operation which for them would be extended from four nights a week to all nights a week; and

WHEREAS, residents have stated that 129-131 Avenue C was constructed before 1900, is not designed to house a late night club with loud music, vibrating bass and numerous patrons and the result of these conditions for residents is vibrations through the fourth floor of the building which cause pieces of brick to fall from their walls; and

WHEREAS, consistent with the observations of residents, the 9th Precinct responded to large fights at this location on February 20, 2016, and February 27, 2016, and during one of these incidents, citations were issued against the business, a person was arrested for assault and a police officer was injured; and

WHEREAS, consistent with these complaints, this licensee has sustained charges on August 19, 2015, for a sale to minor, a conditional no-contest plea on December 14, 2007, for six (6) nuisance violations, after hours consumption and three (3) sales to minors, a conditional no-contest plea on December 5, 2008, for absence of or inadequate emergency signs, locked exits, exceeding its maximum occupancy and unlicensed security and cabaret, conditional no-contest plea on November 6, 2009, for no emergency exits, exceeding its maximum occupancy and unlicensed cabaret and sustained charges on March 3, 2010, for purchasing alcohol from an unauthorized source;

WHEREAS, consistent with this observed method of observation a club and inconsistent with its stipulations of June of 2012, the website for the previous business, doing business as Babel Lounge, advertised live music and belly dancing, multiple patrons on YELP have commented about its dancing and bottle service and YELP lists this business as open Fridays and Saturdays, from 10:00 P.M. to 4:00 A.M.; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premise liquor license for Bab LLC, presently doing business as Jolie's NYC, for the premise located at 129-131 Avenue C, between East 8th Street and East 9th Street, and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 moves to ask the SLA to investigate for violations the full on-premise liquor license for Bab LLC, presently doing business as Jolie's NYC, for the premise located at 129-131 Avenue C, between East 8th Street and East 9th Street.

6. Wolfnights (Howling Inc), 99 Rivington St @ Ludlow St (bc)

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

Understanding that this is a beer cider application for a sandwich shop which was previously approved for a wine beer license by Community Board 3 in August of 2013 and which will maintain its business name and method of operation but for which the principal has changed, Community Board 3 moves to deny the application for a beer cider license for Howling Inc., doing business as Wolfnights, for the premise located at 99 Rivington Street, at the corner of Rivington Street and Ludlow Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a sandwich shop, serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 2:00 A.M. Sundays through Wednesdays, 12:00 P.M. to 4:00 A.M. Thursdays and 12:00 P.M. to 5:00 A.M. Fridays and Saturdays but the service of alcohol will stop at 1:00 A.M. all days,

- 3) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 4) it will not commercially operate any outdoor areas,
- 5) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it will not seek a change in class of its liquor license to a full on-premise liquor license without first obtaining the approval of Community Board 3,
- 8) it will not have "happy hours,"
- 9) it will not host pub crawls or party buses,
- 10) it will not have unlimited drink specials with food,
- 11) it will designate an employee responsible to oversee patrons on the sidewalk and ensure no crowds or noise outside,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

Sidewalk Cafe Application

7. Babu Ji (Babu Ji NYC Inc), 175 Ave B @ E 11th St

VOTE: TITLE: Community Board 3 Recommendation To Deny Unless Stipulations Agreed To-Change Order Attached

To approve the application for a sidewalk café permit for twelve (12) tables and twenty-four (24) seats for Babu Ji NYC Inc., doing business as Babu Ji, at the premise located at 175 Avenue B, at the corner of Avenue B and East 11th Street, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of twelve (12) tables and twenty-four (24) seats, to be located on East 11th Street, and
- 2) its hours of operation will be 10:00 A.M. to 10:00 P.M. all days.

8. Spotted Owl Tavern (Tavern 211 Corp), 211 Ave A @ E 13th St

VOTE: TITLE: Community Board 3 Recommendation To Deny Unless Stipulations Agreed To-Change Order Attached

To approve the application for a sidewalk café permit for five (5) tables and eleven (11) seats for Tavern 211 Corp., doing business as The Spotted Owl, at the premise located at 211 Avenue A, at the corner of Avenue A and East 13th Street, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of five (5) tables and eleven (11) seats, with three (3) tables and seven (7) seats to be located on Avenue A and two (2) tables and four (4) seats to be located on East 13th Street, and
- 2) its hours of operation will be 5:00 P.M. to 10:00 P.M. Mondays through Fridays and 12:00 P.M. to 10:00 P.M. Saturdays and Sundays.

9. An Choi (SaigonNYC Ltd),(small swc) 85 Orchard St btwn Grand & Broome Sts

VOTE: TITLE: Community Board 3 Recommendation To Deny Unless Stipulations Agreed To-Change Order Attached

To approve the application for a small sidewalk café permit for three (3) tables and eight (8) seats for SaigonNYC Ltd., doing business as An Choi, at the premise located at 85 Orchard Street, between Broome Street and Grand Street, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of three (3) tables and eight (8) seats, and
- 2) its hours of operation will be 12:00 P.M. to 10:00 P.M. Sundays through Thursdays and 12:00 P.M. to 11:00 P.M. Fridays and Saturdays.

Alterations

10. Lovecraft (Sunrise Shadow LLC), 50 Ave B (op) (alt/ extend happy hour, closing hours, misc. changes) withdrawn

New Liquor License Applications

11. Raise Hospitality LLC, 162 E B^hway @ Rutgers St (op)

VOTE: TITLE: Community Board #3 Recommendation To Ask the SLA To Investigate Proximity To A House Of Worship And To Deny Unless Stipulations Agreed To Once A Finding Is Made—Stipulations Attached

WHEREAS, Raise Hospitality LLC is seeking to obtain a full on-premises liquor license for the premises located at 172 East Broadway, at the corner of East Broadway and Rutgers Street; and

WHEREAS, there is a concern that the proposed location may be within two hundred (200) feet of a house of worship, to wit Saint Theresa Church, located at 141 Henry Street a/k/a 12 Rutgers Street, at the corner of Henry Street and Rutgers Street; and

WHEREAS, this applicant has entered into an agreement with the Seward Park and Canal East Block Association regarding its method of operation (appended hereto); now

THEREFORE, BE IT RESOLVED that Community Board #3 asks that the SLA determine whether this location is within two hundred (200) feet of a house of worship, including Saint Theresa Church, located at 141 Henry Street a/k/a 12 Rutgers Street, at the corner of Henry Street and Rutgers Street; and

THEREFORE BE IT FURTHER RESOLVED that, provided that SLA determines that this location is not within two hundred (200) feet of a house of worship, Community Board #3 moves to deny the application for a full on-premises liquor license for Raise Hospitality LLC, for the premises located at 172 East Broadway, at the corner of East Broadway and Rutgers Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Mexican restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 7:00 A.M. to 12:00 A.M. Sundays through Wednesdays and 7:00 A.M. to 1:00 A.M. Thursdays through Saturdays,
- 3) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 4) it will not commercially operate any outdoor areas,
- 5) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will install soundproofing,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 8) it will not have "happy hours,"
- 9) it will not host pub crawls or party buses,
- 10) it will not have unlimited drink specials with food,
- 11) it will not have wait lines outside and it will designate an employee responsible to oversee patrons on the sidewalk and ensure no crowds or noise outside, including at its takeout window,
- 12) it will create a call back system for reaching waiting customers to minimize patrons waiting outside of the business,
- 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

12. AGN Restaurant LLC, 166 1st Ave (op)
withdrawn

13. The Wu Room (BBG Restaurant Corp), 93 Bowery @ Hester St (op)

VOTE: TITLE: COMMUNITY BOARD RESOLUTION DENYING THE HOTEL LIQUOR LICENSE FOR BBG RESTAURANT CORP., FOR 93 BOWERY, DOING BUSINESS AS THE WYNDHAM GARDEN CHINATOWN HOTEL, LOCATED AT THE CORNER OF BOWERY AND HESTER STREET, BECAUSE STIPULATIONS NOT SIGNED

WHEREAS, the applicant, BBG Restaurant Corp., by its qualified representative or principal, is seeking to obtain a hotel liquor license for an eighteen (18) story hotel, doing business as The Wyndham Garden Chinatown Hotel, located at 93 Bowery, at the corner of Bowery and Hester Street, New York, New York; and

WHEREAS, said applicant will maintain the primary method of operation of said location for lodging, with its primary entrance on Bowery, and is proposing to operate the following ancillary public uses:

- 1) an interior first floor lobby with a capacity of forty (40) people, five (5) tables and ten (10) seats, a twenty (20) foot bar with five (5) stools, hours of operation of 7:00 A.M. to 2:00 A.M. all days, recorded background music, no promoted events, scheduled performances or events with cover

fees, a closed façade, three (3) televisions and access to Bowery and Hester Street;

- 2) an interior restaurant, located in the basement, with a capacity of seventy-four (74) people, eleven (11) tables and thirty-six (36) seats, no bar, hours of operation of 7:00 A.M. to 12:00 A.M. all days, recorded background music, no promoted events, scheduled performances or events with cover fees, a closed façade, no televisions and access to Bowery through the hotel lobby;

WHEREAS, a ground floor open-air arcade dining area, with a capacity of seventy-four (74) people, five (5) tables and twenty (20) seats, a twenty (20) foot bar with ten (10) stools, hours of operation of 7:00 A.M. to 12:00 A.M. all days, recorded background music, no promoted events, scheduled performances or events with cover fees no televisions and access to Bowery and Hester Street through a completely open façade;

WHEREAS, an eighteenth floor lounge, which will be independently operated although it will receive food from the cellar kitchen, and which was approved for a full on-premise liquor license by Community Board 3 in November of 2015; and

WHEREAS, Community Board 3 received no notice of the alteration to add the already constructed twenty (20) foot standup bar to the ground floor open air arcade, for which the applicant has stated that the previous licensee was issued a license on August 13, 2015, and received no prior notice from this applicant about this outdoor area;

WHEREAS, area residents appeared and submitted letters in opposition to this open arcade which primarily faces mixed residential and commercial buildings located on Hester Street and which, they stated, is currently operated as a beer garden; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application to obtain a hotel liquor license for BBG Restaurant Corp., for an eighteen (18) story hotel, doing business as The Wyndham Garden Chinatown Hotel, located at 93 Bowery, at the corner of Bowery and Hester Street, New York, New York unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations, that

With respect to the basement restaurant, 1) it will operate as a full-service restaurant, with a kitchen open and serving food during all hours of operation; 2) its hours of operation will be 7:00 A.M. to 12:00 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 have "happy hours;" 5) it will not host pub crawls or party buses; 6) it will not have unlimited drink specials with food; 7) patrons will use the Bowery entrance through the lobby to access the restaurant; 8) it will insure that there are no wait lines outside and that there are no patrons loitering or making noise outside; 9) it will have a closed fixed façade with no open doors or windows; 10) it will conspicuously post this stipulation form beside its liquor license inside of its business; and 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

With respect to the first floor lobby, 12) it will operate as a bar and dining area, serving food from the cellar restaurant during all hours of operation; 13) its hours of operation will be 7:00 A.M. to 2:00 A.M. all days; 14) 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; 15) it will not have "happy hours;" 16) it will not host pub crawls or party buses; 17) it will not have unlimited drink specials with food; 18) patrons will use the Bowery and Hester Street entrances to access the lobby; 19) it will insure that there are no wait lines outside and that there are no patrons loitering or making noise outside; 20) it will have a closed fixed façade with no open doors or windows; 21) it will conspicuously post this stipulation form beside its liquor license inside of its business; and 22) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

With respect to the ground floor open-air arcade facing Bowery and Hester Street, 23) it will operate as a dining area; 24) its hours of operation will be 9:00 A.M. to 9:00 P.M. all days; 25) there will be food service from the cellar restaurant during all of its operating hours; 26) no music will be played in this area at any time and it will not have promoted events, scheduled performances or any event at which a cover fee will be charged; 27) it will not have "happy hours;" 28) it will not host pub crawls or party buses; 29) it will not have unlimited drink specials with food; 30) it will insure that there are no

wait lines outside of this arcade and that there are no patrons loitering or making noise outside of this arcade; 31) it will conspicuously post this stipulation form beside its liquor license inside of its business; and 32) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

THEREFORE BE IT FURTHER RESOLVED, Community Board 3 moves to deny the application to obtain a hotel liquor license for BBG Restaurant Corp., for an eighteen (18) story hotel, doing business as The Wyndham Garden Chinatown Hotel, located at 93 Bowery, at the corner of Bowery and Hester Street, New York, New York because the applicant did not sign stipulations.

14. Boonsri Inc, 95 2nd Ave btwn E 5th & E 6th 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 an existing Thai restaurant with a full on-premise liquor license and that the applicant is the present manager of this existing business and will maintain its method of operation, Community Board 3 moves to deny the application for a full on-premise liquor license for Boonsri Inc., for the premise located at 95 Second Avenue, between East 5th Street and East 6th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Thai 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 10:30 P.M. Sundays through Thursdays and 12:00 P.M. to 11:00 P.M. Fridays and Saturdays,
- 3) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 4) it will not commercially operate any outdoor areas,
- 5) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will not have wait lines outside,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

15. Thai Jasmine Restaurant Inc, 106 Bayard St (aka 75 Baxter St) (op) THIS IS AN UPGRADE APPLICATION

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

Understanding that this applicant has operated an existing Thai restaurant at this location which was first issued its wine beer license on April 12, 1976, Community Board 3 moves to deny the application for a change in class of its wine beer license to a full on-premise liquor license for Thai Jasmine Restaurant Inc., for the premise located at 95 Second Avenue, between East 5th Street and East 6th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Thai restaurant, doing business as Pongsri Thai, with a kitchen open and serving food to within half (½) an hour of closing,
- 2) its hours of operation will be 10:30 A.M. to 10:30 P.M. all days,
- 3) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 4) it will not commercially operate any outdoor areas,
- 5) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,

- 10) it will not have wait lines outside,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

16. Virginia (Oyster City LLC), 647 E 11th St btwn Aves B & C (upgrade/op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

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

WHEREAS, Community Board 3 heard and denied this applicant for a full on-premise liquor license in December of 2014 because this is a location which has never had a full on-premise liquor license, had only had a wine beer license since November of 2013, is located on a residential side street, is in a building which has three (3) other licensed businesses and because the applicant had no documented history of owning a licensed business or history of operating a business in this community board; and

WHEREAS, Community Board 3 then administratively denied a wine beer license for this applicant In January of 2015 unless the applicant agreed that it would make as conditions of its license the stipulations that it would 1) operate a full-service American restaurant, serving food to within half (½) an hour of closing, 2) have hours of operation of 5:30 P.M. to 12:00 A.M. Mondays through Fridays and 11:30 A.M. to 12:00 A.M. Saturdays and Sundays, 3) not commercially operate any outdoor areas, 4) close its façade at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances, 5) play recorded background music and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee would be charged, 6) not apply for an alteration without first being heard by the community board, 7) not host pub crawls or party buses, 8) not have happy hours, 9) not have wait lines, and 10) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, this applicant then applied for and obtained a wine beer license from the SLA, which was issued on June 22, 2015; and

WHEREAS, this is an application for a full on-premise liquor license in a location which has never had a full on-premise liquor license, has only had a wine beer license since November of 2013, is located on a residential side street and is in a building which has three (3) other licensed businesses; and

WHEREAS, notwithstanding that the applicant furnished fifty (50) signatures from area residents in support of its application and five (5) letters of support from residents, business associates or patrons, and stated that the block association voted to support its application, eight (8) residents of 644 East 11th Street, 646 East 11th Street and 648 East 11th Street were opposed to this application because of the location of the business on a residential street occupied by families and in a location which has never had a full on-premise liquor license and which has only been licensed since 2013, and a member of the East 11th Street Block Association appeared before Community Board 3 and stated that the vote at the block association meeting in favor of this application was predominantly by restaurant owners rather than residents; and

WHEREAS, there are thirteen (13) existing full on-premise liquor licenses within five hundred (500) feet 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 restaurant open less than one (1) year and located on a residential side street and within close proximity to numerous existing full on-premise liquor licenses, in that the applicant stated that it needed to sell liquor in order to continue operating and because patrons have requested alcohol; 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 Oyster City LLC, doing business as Virginia's, for the premise located at 647 East 11th Street, between Avenue B and Avenue C.

17. Delaney Chicken Union Square LLC, 167 1st Ave btwn E 10th & E 11th Sts (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Delaney Chicken Union Square LLC is seeking a full on-premise liquor license for the premise located at 167 First Avenue, between East 10th Street and East 11th Street; and

WHEREAS, this application is for a restaurant with a certificate of occupancy of seventy-four (74) people, eighteen (18) tables and forty-eight (48) seats, hours of operation of 12:00 P.M. to 2:00 A.M. Mondays through Fridays and 10:00 A.M. to 2:00 A.M. Saturdays and Sundays, a fifteen (15) foot bar with ten (10) stools, a kitchen serving barbeque during all hours of operation, recorded background music, and happy hours to 7:00 P.M.; and

WHEREAS, this is an application for a full on-premise liquor license in a location which has never had a full on-premise liquor license; and

WHEREAS, notwithstanding that the applicant furnished fifty (50) signatures from area residents in support of its application, there were two letters from residents in opposition to this application, stating that this location has never had a full on-premise liquor license and that there are numerous barbeque restaurants in the area; and

WHEREAS, this applicant has never held a full on-premise liquor license, has never operated a business in this community and has operated its two comparable businesses with early closing times and a wine beer license or no liquor license; and

WHEREAS, there are twenty-seven (27) existing full on-premise liquor licenses within five hundred (500) feet of this location; and

WHEREAS, there is no public benefit for granting a full on-premise liquor license to this restaurant for a barbeque restaurant within close proximity to numerous existing full on-premise liquor licenses and multiple barbeque restaurants with early closing times and which operate with lesser licenses or, in the event of the one which has a full on-premise liquor license, has operated in this community for many years; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premise liquor license for Delaney Chicken Union Square LLC, for the premise located at 167 First Avenue, between East 10th Street and East 11th Street.

18. Eldridge Hospitality LLC, 105-107 Eldridge St btwn Broome & Grand 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 Eldridge Hospitality LLC, for the premise located at 105-107 Eldridge Street, between Broome Street and Grand Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service American restaurant, with a kitchen open to within one (1) hour of closing and serving food during all hours of operation on both the ground and basement floors,
- 2) its hours of operation will be 10:00 A.M. to 12:00 A.M. Sundays through Wednesdays and 10:00 A.M. to 2:00 A.M. Thursdays through Saturdays,
- 3) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 4) it will not commercially operate any outdoor areas,
- 5) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will install soundproofing,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it will not have "happy hours,"
- 9) it will not host pub crawls or party buses,
- 10) it will not have unlimited drink specials with food,
- 11) it will not have wait lines outside and it will designate an employee responsible to oversee patrons on the sidewalk and ensure no crowds or noise outside,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board 3 is approving this application for a 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 commercially zoned location and while there are full on-premise liquor license within five hundred (500) feet of this

location, there are no other licensed businesses now operating on this street, 2) although there were sixty-one (61) petition signatures from area residents submitted in opposition to this application, this applicant has demonstrated support for this application, in that it has furnished ninety (90) petition signatures from area residents in support of its application and submitted letters of support from area residents and former patrons, and 3) the applicant provided a comprehensive application which included relevant experience of its principals operating or working within licensed businesses.

19. Le Turtle (Swiss White Int'l LLC), 177 Chrystie St (op)
no vote necessary

Items not heard at Committee

20. Luzzo's Restaurant Pizzeria (Luzzo's 211 LLC), 211 1st Ave (op) (corp change)
no vote necessary
21. 575 Pub on Second Inc, 93 2nd Ave (op) (corp change to place corporation into family trust)
no vote necessary
22. Katz Delicatessen of Houston Street Inc, 205 E Houston St (b) (corp change)
no vote necessary
23. Virgola (Virgola 3 LLC), 211 Ave B (wb)
withdrawn
24. Iguazu Grill (Iguazu Grill Wine & Beer Inc), 26 Jefferson St (wb)
no vote necessary
25. Lamia's Fish Market (East Coast Fish Market Inc), 45 Ave B (wb)
withdrawn
26. Good Mood Corporation, 6 Clinton St (wb)
no vote necessary
27. French Headquarter LES (Wild East Corp), 51 Ave B (wb)
withdrawn

Old Business

28. The John Lamb (Delancey Square Hospitality LLC), 119 Orchard St a/k/a 120 Allen Street btwn Delancey & Rivington Sts (hotel/restaurant co-license op)

COMMUNITY BOARD #3 RESOLUTION APPROVING THE HOTEL LIQUOR LICENSE FOR DELANCEY SQUARE HOSPITALITY LLC AND 119 ORCHARD PROPERTIES INC., FOR 119 ORCHARD STREET A/K/A 120 ALLEN STREET, SUBJECT TO CERTAIN RESTRICTIONS ON USE

WHEREAS, the applicant, Delancey Square Hospitality LLC and 119 Orchard Properties Inc., by its qualified representative or principal, is seeking to obtain a hotel liquor license for a twelve (12) story hotel with basement restaurant, located at 119 Orchard Street a/k/a 120 Allen Street, between Rivington Street and Delancey Street, New York, New York; and

WHEREAS, said applicant will maintain the primary method of operation of said location for lodging, with its primary entrance on Allen Street, and will maintain the following ancillary public uses:

- 1) an interior first floor lobby open all hours, with lounge seating, no alcohol or food service and recorded background music;
- 2) an interior restaurant, located in the basement and subbasement, with forty (42) tables and eighty-four (84) seats, a thirteen (13) foot bar with five (5) bar stools, hours of operation of 11:00 A.M. to 12:00 A.M. Sundays through Wednesdays and 11:00 A.M. to 2:00 A.M. Thursdays through Saturdays, a kitchen open all hours of operation serving American food, two (2) to three (3) televisions and recorded background music;
- 3) an exterior sixth floor dining terrace which would operate as part of the restaurant, with fifteen (15) tables and thirty (30) seats, no music and hours of operation of 8:00 A.M. to 10:00 P.M. all days; and

WHEREAS, the applicant concedes that the proposed terrace is located within four (4) to ten (10) feet of residential apartment windows; and

WHEREAS, the LES Dwellers and residents of adjacent buildings, including thirteen (13) residents of 124 Allen Street, have repeatedly voiced their opposition to the construction and operation of a terrace serving alcohol within a few feet of residential apartment windows; and

WHEREAS, the SLA has also previously recognized that this above ground outdoor amenity to the operation of a licensed premise should not be at the expense of nearby apartment dwellers and that

the addition of alcohol to such an amenity will increase the volume of noise heard by nearby residents; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application to obtain a hotel liquor license for Delancey Square Hospitality LLC and 119 Orchard Properties Inc., for a twelve (12) story hotel with basement restaurant, located at 119 Orchard Street a/k/a 120 Allen Street, between Rivington Street and Delancey Street, New York, New York unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations, that

Generally, 1) the entrance to the hotel which is located on Allen Street, between Delancey Street and Rivington Street, will be its primary entrance, 2) all loading and unloading of guests and garbage pickups will be effected on Allen Street; 3) the entrance located on Orchard Street will be used as an emergency egress only; 4) service deliveries will be arranged in coordination with the local precinct to avoid traffic congestion during deliveries; 5) understanding that exterior lighting is only mounted on its Allen Street façade at ground level, exterior lights will be at low levels and directed down or away from neighboring windows; 6) there will be recorded background music only in the first floor lobby and basement interior restaurant; 10) there will no music of any kind on the exterior terrace; 11) there will be no service bars in the exterior terrace; 12) it will not apply for any alteration in its method of operation without first appearing before Community Board #3; and

Specifically,

With respect to the basement restaurant, 13) it will operate as a full-service restaurant, with a kitchen open and serving food during all hours of operation; 14) its hours of operation will be 11:00 A.M. to 12:00 A.M. Sundays through Wednesdays and 11:00 A.M. to 2:00 A.M. Thursdays through Saturdays; 15) 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, 16) it will not have "happy hours," 17) it will not host pub crawls or party buses; 18) it will not have unlimited drink specials with food; 19) it will use its Allen Street entrance as its primary entrance; 20) it will utilize staff from the hotel to insure that there are no wait lines outside and that there are no patrons loitering or making noise outside around its restaurant entrances; 21) it will close any front or rear façade entrance doors at 10:00 P.M. every night and will otherwise have a closed fixed facade with no open doors or windows; 22) it will conspicuously post this stipulation form beside its liquor license inside of its business; 23) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

With respect to the first floor lobby, 24) it will operate as a check in check out area and seating area for lodgers; 25) there will be no food or alcohol service in the lobby; 26) only ambient background music, consisting of recorded music, will be played in the lobby and there will not be live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged; and

With respect to the sixth floor exterior terrace, 27) it will operate as part of the full-service restaurant located in the basement, which will otherwise have no other commercially operated outdoor space, with seating, consisting of no more than fifteen (15) tables and thirty (30) seats, for restaurant dining only; 28) its hours of operation will be 9:00 A.M. to 6:00 P.M. all days; 29) there will be food service during all of its operating hours; 30) because this terrace is separated from residential apartment windows by several feet, there will be a sound baffling wall and other measures constructed, consistent with the recommendations of a sound engineer, 31) there will be no service of alcohol or bar in this area at any time; 32) no music will be played in this area at any time; and

FURTHER, should the applicant fail to agree to restrict the use of its outdoor space to accommodate the existing neighboring residential buildings, Community Board #3 asks the State Liquor Authority that any hotel liquor license approved for Delancey Square Hospitality LLC and 119 Orchard Properties Inc. at this location not be extended to include any outdoor spaces.

43 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding SLA item 11)

29 YES 11 NO 3 ABS 0 PNV MOTION PASSED (SLA item 11)

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

1. Approval of previous month's minutes
no vote necessary / approved by committee
2. Delancey Street/Allen Mall Comfort Station RFP- recommendations to Parks on Request for Proposals criteria

VOTE: TITLE: Delancey Street/Allen Mall Comfort Station RFP – Community Recommendations

Whereas, a comfort station located on the Allen Street median at Delancey Street has been empty for many years and there has been grassroots community interest in activating the site; and,

Whereas, community groups in the neighborhood have in the past gathered input from the general public for ideal uses for the site that will be beneficial to the community; and,

Whereas, one such study put together by the Hester Street Collaborative cited interest from the community for a bicycle servicing station in the building; and,

Whereas, NYC Parks Department is looking to release a Request for Proposal for the comfort station to be operated under a concession; and,

Therefore, be it resolved, that Community Board 3 asks the NYC Parks Department to strongly consider proposals for a bicycle servicing station, and not high end or expensive food enterprises; and,

Further be it resolved, that preference should also be given to RFP submissions that propose a wider variety of foods, and public seating in the area north of the building; and,

Further be it resolved, that preferences should also be given to respondents proposing to maintain the character of the existing structure, and widening the median; and,

Finally, be it resolved, that any business selected for the site will be accessible and affordable to the neighborhood.

- 3. Tompkins Square Park-changes without public notice
no vote necessary
- 4. Informational Presentation on Brooklyn Bridge Beach in response to EDC feasibility study
no vote necessary
- 5. Report from Arts Subcommittee
no vote necessary

Block Party

- 6. Middle Collegiate Church 2nd Ave Festival, 2 Ave (E 6 Street & E 14 Street, 5/7
VOTE: TITLE: Middle Collegiate Church 2nd Ave Festival

CB 3 approves the Middle Collegiate Church 2nd Ave Festival, on 2nd Ave (E 6 Street & E 14 Street] on May 7, 2016, under the condition that the festival ends no later than 6pm and all breakdown and cleanup is achieved by 8pm.

- 7. Essex Street Market Birthday Block Party, Essex St (Delancey & Rivington Sts), 5/21
VOTE: TITLE: Essex Street Market Birthday Block Party

CB 3 approves the Essex Street Market Birthday Block Party, contingent upon CB3 receiving signed merchant petitions from businesses along that stretch of Essex Street prior to CB3's full board meeting on March 22, 2016.

Old Business

- 8. FringeNYC on Fourth, E 4th St (2 Ave and Bowery), 8/14
VOTE: TITLE: FringeNYC Block Party

To approve the FringeNYC block party on E 4th St (2 Ave and Bowery), on 8/14/2016, conditional only upon the CB 3 office receiving necessary resident and merchant petitions from the applicant.

43 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

David Adams	[P]	Eric Diaz	[P]	Vaylateena Jones	[P]
Yaron Altman	[P]	Leila Eliot	[A]	Meghan Joye	[P]
Dominic Berg	[P]	David Ford	[P]	Lisa Kaplan	[P]
Karen Blatt	[P]	Debra Glass	[P]	Carol Kostik	[P]
Lisa Burriss	[A]	Jan Hanvik	[P]	Ben Landy	[A]
Melvin Cartegena	[A]	Dan Ping He	[P]	Mae Lee	[P]
Karlin Chan	[P]	Luke Henry	[P]	Alysha Lewis-Coleman	[P]
MyPhuong Chung	[P]	Herman F. Hewitt	[P]	Gigi Li	[P]
David Crane	[P]	Trever Holland	[P]	William LoSasso	[P]
Enrique Cruz	[P]	Anne K. Johnson	[P]	Chad Marlow	[P]
Cathy Dang	[A]	Linda Jones	[P]	Alexandra Militano	[P]

Chiun Ng	[P]	Richard F. Ropiak	[P]	Josephine Velez	[P]
Nancy Ortiz	[P]	Christopher Santana	[P]	Rodney Washington	[P]
Carolyn Ratcliffe	[P]	Susan Scheer	[P]	Kathleen Webster	[P]
Damaris Reyes	[P]	Laryssa Shainberg	[P]	Thomas Yu	[A]
Carlina Rivera	[P]	Wilson Soo	[P]	Zulma Zayas	[P]
James Rogers	[P]	Nancy Sparrow-Bartow	[P]		

Meeting Adjourned