



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Jamie Rogers, Board Chair

Susan Stetzer, District Manager

April 2017 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, April 25, 2017 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

Dakota Scott: 4th Arts Block. Announced Lower East Side History Month events.

Robyn Shapiro, The Lowline. Provided an update on Lowline events including job opportunities, Lowline Young Ambassadors Program and upcoming public workshops. Next workshop is on May 6 in Hamilton Fish Library. The next public workshop will take place on June 12.

Kim Newman, Cooper Union. Introducing Free lectures for the neighborhood.

Alberto Means, advocating for "SBJSA" Small Business Jobs Survival Act.

Harry Bubbins, GVSHP. Spoke about the new tech hub and the need for neighborhood re-zoning protections before the project is approved in any form.

Erica Cullman, resident and Board member of Seward Park. Speaking in support of the Transportation Committee's decision on traffic on Grand and Clinton Street.

Carol Anastasio, Seward Park resident spoke in support of Transportation Committee's resolution on traffic at Grand and Clinton as well as the Yep Bus Tours resolution.

Betsy Jacobson, Seward Park resident spoke out against traffic congestion on Grand and Clinton streets.

Vaylateena Jones

Two Bridges Neighborhood: Calling for additional bus lines on LES.

Advocating to get local schools the money they are owed.

Marvin Avicéz, supporting the board's decision on SLA item #17 for a license at 87 Ludlow Street.

Tamara Daly, Orchard Street Block Association. Supporting the board's decision on SLA item #17

Diem Boyd, LES Dwellers. Supporting the board's decision on SLA item #17, Warned about establishments selling their businesses right before they get shut down by SLA.

Paul Carr, Friends of Recovery, NY. Expressed his concerns about the Fifth Elephant's 'half sober' bar concept.

Robert Kommel, spoke out against over proliferation of bars in LES. Spoke in support of SLA's resolution #17.

Public Officials:

Mayor Bill de Blasio, Paola Ruiz:

Public Advocate Letitia James, Adam Chen:

Comptroller Scott Stringer, Elaine Fan: held a press conference in LES today announcing Neighborhood Economic Profiles.

Borough President Gale Brewer, Drew Lombardi: Two Bridges Environmental Impact process. They were successful in getting the delay due to the fact that the materials were not translated into 3 different languages. They received 400 returns on their Two Bridges resident survey. Imploring every Two Bridges resident to attend the May 25 meeting.

Congressmember Nydia Velázquez, Andrew Roth: spoke out against Trump's hiring freeze at SBA.

Congressmember Carolyn Maloney, Victor Montesinos: expressed concerns over Trump's budget cuts.

Assemblymember Yuh-Line Niou, Rebecca Ou: Budget updates: \$2 million for NORDS and \$2.5 million to improve water quality. Education budget was increased by 4million.

Assemblymember Deborah J. Glick, Charlie Anderson: provided handouts regarding the budget. Sent a letter to precincts regarding proliferation of ebikes. Shred event on Friday 28 from 1-4pm.

Assemblymember Brian Kavanagh, Venus Galarza-Mullins: Lead testing at kids schools taking place. Kavanaugh's liquor license bill was passed in the Assembly.

State Senator Daniel L. Squadron, Fendi Linan: Forced Senate Health committee to vote on Rivington House Act although it was blocked. Thanked everyone for coming out to his community convention. Budget cuts to senior centers were blocked.

State Senator Brad M. Hoylman, Caroline Wekselbaum: passed budget which allowed additional funds for public school and clean water. Managed to block cuts for seniors, however no ethics reform passed and budget eliminated \$1million Pulse Nightclub memorial.

Councilmember Margaret Chin, Vincent Fang: Housing lottery for Site 6 (for seniors) is open. Secured a delay in the scoping process for the Two Bridges project.

Councilmember Rosie Mendez, Jorge Jimenez: Spoke on the passing of TA President, Debrella Nesbitt. Thanked everyone who showed up at press rally on Saturday. Laguardia Houses had their sidewalks paved. CB member questioned about rat problem at Rutgers.

Members Present at First Vote:

David Adams	[P]	Herman F. Hewitt	[P]	Nancy Ortiz	[A]
Yaron Altman	[P]	Trever Holland	[P]	Carolyn Ratcliffe	[P]
Dominic Berg	[A]	Anne K. Johnson	[P]	Joyce Ravitz	[P]
Karen Blatt	[P]	Linda Jones	[P]	Damaris Reyes	[A]
Lisa Burriss	[A]	Vaylateena Jones	[P]	James Rogers	[P]
Alan van Capelle	[P]	Meghan Joye	[P]	Richard F. Ropiak	[P]
Karlin Chan	[P]	Lisa Kaplan	[P]	Robin Schatell	[P]
MyPhuong Chung	[P]	Carol Kostik	[P]	Laryssa Shainberg	[P]
David Crane	[P]	Mae Lee	[P]	Wilson Soo	[A]
Enrique Cruz	[A]	Veronica Leventhal	[P]	Nancy Sparrow-Bartow	[P]
Eric Diaz	[A]	Alysha Lewis-Coleman	[P]	Josephine Velez	[P]
Wilda Escarfuller	[A]	Gigi Li	[P]	Rodney Washington	[P]
Shirley Fennessey	[P]	Jeremy Markman	[A]	Kathleen Webster	[P]
David Ford	[P]	Chad Marlow	[P]		
Debra Glass	[P]	Alexandra Militano	[P]		

Minutes:

Minutes of February 2017 were approved, as is.

34 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Jamie Rogers

- Board needs to form a nominating committee for elections in June. Chair is looking for members interested in joining this committee. Chair is also calling for interested members to join new Chinatown re-zoning subcommittee.
- Chair attended MSBI transition meeting that conflicted with Health and Human Services committee. Chair is attending a monthly meeting on MSBI with fellow board chairs and public officials south of 34th street.
- Attendance audit is underway once again.
- Chair is making appointments to sit down with each CB member.
- Chair reviewed Holiday policy.

District Manager's Report:

District Manager Susan Stetzer

- Website: All waterfront documents available have been placed in a waterfront document section on the website. There has also been added updated information on how to address nightlife complaints.
- Inter-City Busses: Paperwork for temporary permit for Yep bus at Pike and Division Streets was finalized. It allows for 25 pick-ups and 25 drop offs. The 5th precinct is still diligently writing summonses--many of them \$500.
- The Department of Health is offering free dog vaccinations in Tompkins Square Park on June 3. Free licensing offered on the same day

- Office received complaints from residents regarding 444 East 13 St. It is a residentially zoned area and was a rehabbed building with previous ground floor commercial that had been vacant for over 2 years. DOB revoked the permit for the commercial use and this will be returned to residential use.
- M15 bus stop returned from Chrystie Stet to Allen Street.
- The 3rd Street Men's shelter side yard renovation is finally underway. CB3 lobbied for this renovation and helped secure funding from CCM Mendez and Borough President Brewer.

Committee Reports:

Executive Committee

no votes necessary

Landmarks

meeting canceled

Land Use, Zoning, Public & Private Housing Committee

1. Approval of previous month's minutes
approved by committee
2. BSA 143-01-BZ: at 348 E 9th St: amendment to extend the time to obtain a CO; and to legalize the existing veterinary office storage on the first floor

VOTE: TITLE: CB 3 Recommendation to approve amendment to 143-01-BZ to extend the term of the variance, to extend the time to obtain a C of O, and to legalize the existing veterinary office storage (use group 6) located in the front, eastern unit on the first floor at 348 East 9th Street

WHEREAS, the veterinary practice occupies the cellar of the building under a variance granted in 1991 changing it from Use Group 4 (Medical Office) to Use Group 6 (Veterinarian's Office); and

WHEREAS, the current application applies to 355 square feet of space on the building's first floor; and

WHEREAS, the space had previously been used as storage space accessory to the cellar medical office; and

WHEREAS, the current application is to legalize an existing use by the cellar veterinarian's office for storage; and

WHEREAS, changing the use group of the storage space would not affect the remainder of the building; so

THEREFORE BE IT RESOLVED, CB 3 approves the application to extend the term of the variance, to extend the time to obtain a C of O, and to legalize the existing veterinary office storage (use group 6) located in the front, eastern unit on the first floor at 348 East 9th Street, Manhattan.

3. 421a application for 229 Cherry St and 250 South St

VOTE: TITLE: To deny the application for 421-a partial tax exemption for 229 Cherry Street and 250 South Street (both occupying a single zoning lot)

WHEREAS, 229 Cherry Street is a "poor building" designed to meet the requirements of the Inclusionary Housing Program and the 421-a partial tax exemption program, and 250 South Street is a market-rate condominium development; and

WHEREAS, CB 3 has previously adopted a resolution opposing the location of the affordable housing component of a development utilizing public support or resources, such as tax exemptions and floor area bonuses, in a separate building or with a separate door; so

THEREFORE BE IT RESOLVED, the application for 421-a partial tax exemption for 229 Cherry Street and 250 South Street is not approved.

4. Response to Two Bridges area development EIS draft scope

no vote necessary

5. Chinatown Neighborhood Plan update

no vote necessary

6. Affordable housing checklist

no vote necessary

7. Report from Public Housing & Section 8 Housing Subcommittee

VOTE: TITLE: Support for State funding for NYCHA to be allocated directly to NYCHA

WHEREAS, with approximately 400,000 residents, The New York City Housing Authority (NYCHA) is New York State's largest provider of affordable housing and also offers some of the deepest levels of affordability, with thousands of apartments occupied by very low-income households; and

WHEREAS, due to systematic divestment, especially by the Federal government, NYCHA has struggled in recent years to provide many of its residents with apartments that meet basic standards of livability. NYCHA faces unmet capital needs of nearly \$17 billion; and

WHEREAS, Prior to 2015, in which \$100 million of funding for capital improvements at NYCHA developments was included in the state budget, there had not been any substantial allocations for this purpose since 1998; and

WHEREAS, the funding for NYCHA included in Fiscal 2015-2016 budget has taken far too long to be obligated and spent on actual construction and renovation projects. The delay is principally the result of a process the Executive devised whereby projects were required to be approved by both Dormitory Authority (DASNY) and Homes and Community Renewal (HCR), in consultation with the NYCHA Chair; and

WHEREAS, several Assembly members, led by Yuh-Line Niou and Brian Kavanaugh, have signed onto a letter requesting \$500 million in the FY 2017-2018 state budget for capital improvements at NYCHA developments and for allocating these funds to NYCHA directly, for projects identified in consultation with the Assembly members whose districts include NYCHA developments, rather than through DASNY; and

WHEREAS, NYCHA owns and manages over 14,000 units of low-income housing in CB 3, and the preservation of these apartments as viable, secure, publicly-owned housing is essential to ensure that our community remains diverse and economically integrated; so

THEREFORE BE IT RESOLVED, CB 3 joins with Assembly members Niou, Kavanaugh, and others in requesting that the New York State Assembly, Senate, and Governor advocate for all moneys allocated for NYCHA properties in the FY 2017-2018 budget to be allocated directly to NYCHA to support maintenance of acceptable living standards for New Yorkers who rely on NYCHA as a vital source of housing.

8. Follow-up discussion on Essex Crossing 11 home ownership units

VOTE: TITLE: Support for 421-a application for Preliminary Certificate of Eligibility for 242 Broome Street (Block 409, Lot 56) at Essex Crossing Site 1

WHEREAS, the building to be developed at 242 Broome Street includes 55 residential condominium units, 11 of which will be set aside for moderate income households, as well as a museum building that will be on a separate tax lot; and

WHEREAS, the affordable units will be available at 120% AMI (\$108,720 for a family of four at 2016 AMI of \$90,600); and

WHEREAS, the affordable units will be distributed across the lowest three of ten residential floors (5, 6, and 7); and

WHEREAS, six of the affordable units will be family units (four two-bedroom units and two three-bedroom units); and

WHEREAS, the in-building amenities available to market-rate tenants will also be affordable for those tenants in affordable units; and

WHEREAS, during construction a liaison will be available for residents to contact to address issues; and

WHEREAS, local hiring will be encouraged for positions made available during construction and in the building; and

WHEREAS, Community Board is requested, in consideration of residents of neighboring buildings, to close the roof by 10 pm; and

WHEREAS, Community Board 3 passed a unanimous ULURP calling for the affordable units in the Essex Crossing development to be permanently affordable; and

WHEREAS, the DeBlasio administration is committed to providing permanently affordable housing, and

WHEREAS, the Essex Crossing developer has submitted a 421-a application to the Housing Preservation and Development agency for 242 Broome Street to create 55 newly constructed condominium units, 11 of which are affordable; and

WHEREAS, the 421-a tax abatement is expected to expire, with the property tax abatement phasing out beginning in Year 13; and

WHEREAS, the Department of Housing, Preservation and Development rules provide that the monthly housing costs of affordable homeowners (including property taxes, mortgage payments, and common charges) may not exceed 33% of 110% of AMI; and

WHEREAS, an Administering Agent, a third party approved by HPD, will be responsible for providing oversight of the permanent affordability restrictions and report annually to HPD; and

WHEREAS, if monthly housing costs exceed 33% of 110% of AMI, the common charges for the affordable homeowners will be reduced accordingly; so

THEREFORE BE IT RESOLVED, Community Board 3 approves the 421-a application for Preliminary Certificate of Eligibility for 242 Broome Street (Block 409, Lot 56) at Essex Crossing Site 1.

9. Vote to adjourn
approved by committee

35 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Land Use item 8)
34 YES 0 NO 0 ABS 1 PNV MOTION PASSED (Land Use item 8)

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

1. Approval of previous month's minutes
approved by committee
2. Panel discussion on CB 3 district needs for homeless students and special needs students
no vote necessary
3. Discussion of proposed resolution regarding hate-free zone
no vote necessary
4. Vote to adjourn
approved by committee

35 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Economic Development Committee

1. Approval of previous month's minutes 8-0 Affirmative
approved by committee
2. Planning for proposed Special District, next steps: That Community Board #3's Economic Development Committee will take steps to make the "Special Purposes District" the main item for its June agenda, and will promote to the public to solicit community input on this matter.
no vote necessary
3. Discussion on District Needs Statement
no vote necessary
4. Vote to adjourn
approved by committee

35 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Transportation & Public Safety and Environment Committee

A discussion ensued about the cyclist that was killed on 1st Ave and 9th street and what role CB can take in preventing this in the future.

1. Approval of previous month's minutes
approved by committee
2. CB 3 position regarding assignment of intercity bus stop after accumulation of violations

VOTE: TITLE: CB 3 Resolution Regarding The Designated Bus Stop Permit Granted To Yep Tours, Inc. And Certain Allegations Contained In The Federal Lawsuit Filed By Yep Tours, Inc. Against The City of New York, Et Al. On February 14, 2017

WHEREAS, for the past several years, the members and staff of CB 3, working alongside elected officials, community partners, city agencies, and law enforcement entities, including the NYPD and the New York City Sheriff's office, have worked tirelessly in an attempt to bring some degree of order to the chaos that has existed with respect to the operation of intercity busses in our community district, in particular in its Chinatown neighborhood; and

WHEREAS, over the course of that time, one of the worst bus operators in the district has been Yep Tours, Inc., a company whose disregard for the law has led it to accrue more than \$300,000 in summons according to the Department of Finance website in November 2016; and

WHEREAS, Yep Tours, Inc. first applied to CB 3 for a designated bus stop permit in July 2015 and was denied for reasons including but not limited to operating contrary to New York City regulations for a period of at least two years; and

WHEREAS, despite that denial, Yep Tours, Inc. continued to operate its busses in violation of New York State and City laws and regulations; and

WHEREAS, Yep Tours, Inc. reapplied for a designated bus stop permit in September 2016, which was rejected by CB 3 because, according to its November 2016 resolution, (1) "the owner of Yep Tours, Inc. stated that he had paid all outstanding summons, but according to information on the New York City Department of Finance website, which shows the company has \$300,000 in unpaid summonses, that statement was inaccurate," (2) "the Fifth Precinct has communicated to CB 3 that it finds Yep Tours, Inc. to be one of the most difficult bus companies to deal with in the Precinct," (3) "Yep Tours, Inc. had parked its busses within no standing any time zones, construction site driveways, unpermitted bus stop locations, and left them un-occupied by an operator in most cases," (4) "the issuance of summonses to Yep Tours, Inc. has been ineffective in deterring future violations, which undermines the primary objective behind the NYPD and Fifth Precinct's issuance of summons; to wit, to gain compliance and improve local quality of life, traffic flow, and safety," (5) "Yep Tours, Inc. actions have demonstrated that they view enforcement actions by the NYPD and Fifth Precinct as a 'cost of doing business,' and that the company has a complete disregard for the concerns of the Police Department and its adverse impact on the community in which it operates," (6) "The Fifth Precinct has communicated to CB 3 that it is concerned the authorization of the Pike Street stop for Yep Tours, Inc. would create additional issues for the community's quality of life, air quality, pedestrian safety, and traffic flow in its surround streets," (7) "the community has regularly complained to 311, Community Board 3, and the Fifth Precinct with respect to its consistent illegal activities and has presented petitions and testified at the community board that Yep Tours, Inc. has been a bad neighbor in the community and disregarded safety and quality of life concerns and has accordingly asked the community board to recommend denial," (8) "it would be inconsistent for Manhattan CB 3 to continue to request increased assistance from the NYPD in enforcing existing bus stop permitting and designation laws, which are regularly violated in our community, while approving the permit application of an operator who regularly violates the bus stop permitting and designation laws," and (9) "Yep Tours, Inc. past history of violating applicable laws with regularity and impunity strongly suggests this company would continue to do so in the future"; and

WHEREAS, Yep Tours, Inc.'s ongoing disregard for the law and local law enforcement was exemplified by the statement of its attorney, at CB 3's November 2016 meeting, that Yep Tours, Inc. would continue to unlawfully operate its busses if it was denied a permit by the New York City Department of Transportation (DOT); and

WHEREAS, given Yep Tours, Inc.'s massive accumulation of fines and ongoing refusal to pay them, the New York City Sherriff's office has undertaken several enforcement actions against Yep Tours, Inc. that have led to the seizure of three Yep Tours, Inc. busses; and

WHEREAS, the primary purposes of issuing fines to intercity busses is to influence their operators to obey the law and to penalize them for failing to do so, not to collect revenue for the government; and

WHEREAS, on February 14, 2017, Yep Tours, Inc. filed a federal lawsuit against the City of New York and other parties alleging, among other things, that its application for a designated bus stop permit had been improperly denied; and

WHEREAS, in its lawsuit (Paragraph 22) Yep Tours, Inc. stated that it "applied numerous times for numerous bus stop[]" permit but was "denied each time with nothing more than an arbitrary reason of inconvenience" even though it was fully aware that there were numerous, legitimate reasons why it

was denied a permit, including the many reasons enumerated in prior CB 3 resolutions recommending the rejection of Yep Tours, Inc.'s designated bus stop permit applications; and

WHEREAS, in its lawsuit (Paragraph 27) Yep Tours, Inc. stated that "NYCDOT has issued more than forty (40) bus stop permits to the 'Hampton Jitney' and ten (10) bus stop permits to '7 Bus', both bus companies only transport passengers to-and-from New York City to the Hamptons" to support its baseless allegation that New York City has "been unfairly selective as to which companies are receiving bus stop permits" even though public records, including those of CB 3, clearly show that dozens – and, in fact, a majority - of bus stop permits have been granted to lawfully operated companies that provide service between New York City and non-New York State locations, which fully undermines any allegations that there is a preference for granting bus stop permits to companies that provide interstate travel over intrastate travel; and

WHEREAS, in its lawsuit (Paragraph 45) Yep Tours, Inc. stated that the way in which designated bus stop permits are issued constitutes a "protectionist measures intended to benefit New York based transportation companies at the expense of "non-New York transportation companies "through [an] arbitrary process" even though the CB 3 application review process, which twice voted against granting Yep Tours, Inc. a designated bus stop permit, is standardized, non-arbitrary, and does not ask, collect, or consider information regarding the state of incorporation or principal place of business of permit applicants; and

WHEREAS, in its lawsuit (Paragraph 52) Yep Tours, Inc. stated that the City of New York has "arbitrarily and purposely denied plaintiff a bus stop on the basis that plaintiff operates from a minority neighborhood and more than 80% of plaintiff's clientele are minorities," which is a baseless and irresponsible allegation of racism that intentionally fails to recognize that CB 3 and the New York City Department of Transportation have supported and granted scores of designated bus stop permits to minority owned companies to operate in the same Chinatown neighborhood in which Yep Tours, Inc. was seeking its bus stop; and

WHEREAS, despite all of the above, the Law Department for the City of New York agreed to and caused a designated bus stop permit to be issued to Yep Tours, Inc., even though Yep Tours, Inc. would suffer no irreparable harm had such a permit not been issued; and

WHEREAS, the granting of the designated bus stop permit to Yep Tours, Inc. severely undermines the work of every governmental, community, and law enforcement collaborator on the intercity bus issue in our district; and

WHEREAS, the granting of the designated bus stop permit to Yep Tours, Inc. undermines the efforts of law abiding intercity bus companies who play by the rules and are seeking to improve the reputation of their industry; so

THEREFORE BE IT RESOLVED, that CB 3 disapproves of the decision to agree to and cause a designated bus stop permit to be issued to Yep Tours, Inc., which inexplicably responded to Yep Tours, Inc.'s highly questionable lawsuit by granting the company a designated bus stop permit it had not previously held and was repeatedly denied; and

BE IT FURTHER RESOLVED, that CB 3 rejects and condemns any allegations by Yep Tour, Inc., in its lawsuit against the City of New York, that assert the decision to deny Yep Tours, Inc. a designated bus stop permit was based upon racial bias, a bias against bus companies that operate outside the State of New York, insofar as (1) none of CB 3's rejections of Yep Bus Tour's designated bus stop permit application were based upon race or a preference for in-state bus operators or operations, and (2) Yep Tours, Inc.'s record as a bus operator with little respect for the law or the community in which it wishes to operate provides more than adequate grounds for denying the company a designated bus stop permit, and

BE IT FURTHER RESOLVED, that CB 3 calls upon the Law Department and the Department of Transportation to revoke or not renew Yep Tours, Inc's designated bus stop permit at its first opportunity to do so.

3. Williamsburg Bridge Traffic Congestion on Grand and Clinton Streets

VOTE: TITLE: Resolution Regarding Traffic Congestion on Grand Street in the Vicinity of Clinton Street

WHEREAS, traffic congestion has increased on Grand Street east of Clinton and on Clinton Street leading up to the Williamsburg Bridge; and

WHEREAS, over the last two years, measures have been taken to try to alleviate that congestion, including the adjustment of signal timing on Clinton Street and the installation of a left turn lane for vehicles turning left onto Clinton Street; and

WHEREAS, a two-way bike lane was installed on Clinton Street, which reduced the queuing space for vehicles to one travel lane; and

WHEREAS, the one travel lane on Clinton Street is insufficient to process all of the vehicles leading up to the Bridge and, as a result, impatient motorists driving west on Grand Street frequently jump the queue just before the signal changes and get stuck in the middle of the intersection; and

WHEREAS, this congestion is hazardous to pedestrians since vehicles queue in the crosswalk, leaving little space for pedestrians to cross safely, and continue to drive through the intersection, when pedestrians are lawfully using the crosswalk, to traverse Clinton Street where it intersects with the northern side of Grand Street; and

WHEREAS, the risk to pedestrians crossing Clinton Street is further compounded by the temporary closure of the western sidewalk due to construction; and

WHEREAS, since vehicles started being permitted to enter the bridge from Clinton Street (it was at one time one-way southbound between the Bridge and Grand Street) and the width of Clinton Street has been reduced, there has been an increase in the number of vehicles turning onto Clinton Street and less space for them to queue; and

WHEREAS, Grand Street and Clinton Street, south of the Williamsburg Bridge is a residential street and is not meant to carry high traffic volumes; and

WHEREAS, the congestion at Grand Street and Clinton Street causes increased pollution and noise on a residential street; so

THEREFORE BE IT RESOLVED, CB 3 asks the Department of Transportation to swiftly propose methods for reducing congestion on Grand Street and Clinton Street using any and all methods within their purview, including but not limited to considering signal timing changes and street directional changes and re-examining the street network, and return to the Transportation, Public Safety, and Environment Committee with the proposed changes.

4. DOT presentation: Delancey Street Bike Lane
no vote necessary
5. DOT presentation: Water St and Gouverneur St Slip E/W and Cherry St improvements
no vote necessary
6. Two Bridges Weekend Walk, 6/24, Madison St (Rutgers and Clinton Sts)

VOTE: TITLE: Recommendation to deny support for Two Bridges Weekend Walk

WHEREAS, the Department of Transportation partners with community groups to present Weekend Walks – multi-block neighborhood events on commercial streets temporarily closed to vehicles and opened to walking and other activities; and

WHEREAS, Two Bridges Neighborhood Council has applied to host a Weekend Walk on June 24, 2017 on Madison Street between Rutgers and Clinton Streets; and

WHEREAS, this Weekend Walk is planned for a street that is on a bus route, which means public transportation would be disrupted; and

WHEREAS, many residents must utilize Saturdays for the many personal activities that cannot be accomplished during the work week, such as medical appointments, shopping, recreation, etc, that must be accessed by buses; and

WHEREAS, when this particular Weekend Walk was held previously, Community Board 3 received multiple complaints about the disruption to public transportation; and

WHEREAS, Weekend Walks can be planned for streets that are not on bus routes so that residents and businesses can profit from the events without having necessary activities disrupted by lack of public transportation, which would be a benefit to those participating in the event as well as residents who must access buses in addition to enjoying the Weekend Walks; and

WHEREAS, Community Board 3 acknowledges the benefit of Weekend Walks but, as we noted in our prior October 2016 resolution, CB 3 supports these events only on streets that are not used for buses; so

THEREFORE BE IT RESOLVED, Community Board 3 denies support for the Two Bridges Weekend Walk at its current, proposed location.

7. Planning for agenda topics
no vote necessary

Bus Stop Permit Applications

8. Go Go Sun Tour Inc, 145 Canal (btwn Chrystie & Bowery)

VOTE: TITLE: Approve a Curbside Bus Stop for Go Go Sun Tour at 145 Canal St

WHEREAS, Go Go Sun Tour, Inc. has applied for a designated bus stop for curb-side loading/unloading operations located at 145 Canal St, on the north side of the street between Chrystie St and the Bowery. The buses will operate under the Go Go Sun Tour brand name, providing service between New York and Atlanta, GA with up to 2 arrivals/2 departures daily that would not be during rush hours. The initial schedule would be arrivals at 8 and 11 am, and departures at 5 and 10 pm; and

WHEREAS, DOT reports that this would be a 152' bus stop shared with Lucky River Transportation Corporation, with a combined schedule of up to 23 pick-ups and 23 drop-offs daily; and

WHEREAS, Mahayana Buddhist Temple attended the CB 3 Transportation Committee meeting on April 5, 2017 and presented evidence that a 152' bus stop would extend completely in front of the temple. The Temple also reported that the existing bus stop signage is installed at the incorrect location; and

WHEREAS, the applicant has entered into an agreement with CB 3 to adhere to the following stipulations:

- A storefront will be provided for the use of customers, so they may wait to board their bus and use the restroom facilities.
- Tickets will be sold only online, or at a designated ticket agency not on the street.
- Tickets will be sold only for specific boarding times and will not be oversold.
- Tickets will be sold in assigned boarding order system so that customers will not need to arrive early to jockey for positions.
- Sidewalk lines will be single file, and only for the next assigned bus.
- There will be a staff person on duty for every arrival and departure to guide loading / unloading, to have direct contact to dispatch to inform passengers of delays, and to engage in crowd and noise control.
- Trash bags will be used to collect litter and will be kept in storefront, or will leave with the bus.
- Staff will routinely clean up the sidewalk by bus stop.
- Buses will keep to schedules, which will be published online or printed, as much as possible.
- The number of buses at this stop will not exceed the stated number of buses per hour/per day.
- All buses purchased in the future will be equipped with diesel particulate filters and use ultra-low sulfur fuels, and will also be equipped with exhaust gas recirculation emission control technology; now

THEREFORE BE IT RESOLVED, that CB 3 Manhattan recommends that DOT issue a permit for Go Go Sun Tour, Inc. to operate their bus service at a designated curbside bus stop located at 145 Canal St, provided that the preceding list of stipulations agreed between the applicant and CB 3 will be attached to the DOT permit.

BE IT FURTHER RESOLVED, that CB 3 Manhattan asks DOT to address the concerns presented by the Mahayana Buddhist Temple, and correct signage if necessary so that the designated curbside bus stop does not block the curb in front of a house of worship.

9. Vote to Adjourn
approved by committee

35 YES 0 NO 0 ABS 0 PNV MOTION PASSED

SLA & DCA Licensing Committee

1. Approval of previous month's minutes
approved by committee
2. Lil' Gem (Clinton Street Restaurant LLC), 29A Clinton St btwn E Houston & Stanton Sts (op)

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

To deny the application for a full on-premises liquor license for Clinton Street Restaurant LLC, with a proposed business name of Lil' Gem, for the premises located at 29A Clinton Street, between East Houston Street and Stanton Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service modern Lebanese restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 4:00 P.M. to 1:00 A.M. Mondays through Thursdays, 4:00 P.M. to 2:30 A.M. Fridays, 10:00 A.M. to 2:30 A.M. Saturdays and 10:00 A.M. to 1:00 A.M. Sundays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front façade doors and windows at 10:00 P.M. weekdays and 11:00 P.M. Fridays and Saturdays or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 5) it will play ambient background music only, consisting of recorded music and DJs, and will not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged and it will have DJs no more than twenty (20) times per year and will amplify them only with the existing restaurant sound system,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it will not host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,
- 9) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 10) it will conspicuously post this stipulation form beside its liquor license inside of its, 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-premises liquor license because 1) the principal has operated a restaurant with a full on-premises liquor license at this premises since 2003, 2) this principal has operated its restaurant without complaints since 2004.

3. Beach Drive NYC LLC, 172 Orchard St (op)
withdrawn
4. The Irish Times Pub and Eatery NYC LLC, 158 Ave C @ E 10th St (op)
withdrawn
5. To be Determined, 234 E 4th St btwn Ave A & B(op)
withdrawn

Sidewalk Café Applications

6. Martina (Martina East Village LLC), 198 E 11th St btwn 2nd & 3rd Aves

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

To approve the application for a sidewalk café permit for four (4) tables and eight (8) seats for Martina East Village LLC, with a proposed business name of Martina, for the premises located at 198 East 11th Street, between Second Avenue and Third Avenue, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of four (4) tables and eight (8) seats with tables and seats located flush against the façade of the premises, and
- 2) its hours of operation will be 11:00 A.M. to 10:00 P.M. all days.

7. Horus Kabab House (El Sayed 1 Corp), 93 Ave B @ E 6th St (replace enclosed swc with unenclosed swc)

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

WHEREAS, El Sayed 1 Corp., doing business as Horus Kabab House, is seeking to replace its existing enclosed sidewalk café with an unenclosed sidewalk cafe, for the premise located at 93 Avenue B, at the corner of Avenue B and East 6th Street, New York, New York; and

WHEREAS, the applicant has stated that it is seeking to replace its enclosed sidewalk café with an unenclosed sidewalk café, consisting of thirteen (13) tables and twenty-six (26) seats along East 6th Street because its customers would prefer to sit outside; and

WHEREAS, the applicant then amended its request to a sidewalk café consisting of ten (10) tables and twenty (20) seats; and

WHEREAS, this applicant was first heard by Community Board 3 in May of 2003, for a downgrade in class of its liquor license to a wine beer license because of its proximity to Public School 64, located at 600 East 6th Street, between Avenue A and Avenue B, New York, New York; and

WHEREAS, this applicant was then heard by Community Board 3 in May of 2006 for a renewal of its wine beer license because the proprietor had been arrested for housing liquor without a license, sale to minors, complaints of noise and exceeding its maximum occupancy and Community Board 3 asked the SLA to investigate this business for a revocation of its wine beer license; and

WHEREAS, this applicant then failed to appear before Community Board 3 for a renewal of its wine beer license in June of 2007 and was denied because of its nonappearance; and

WHEREAS, this applicant was then heard by Community Board 3 in May of 2008 for a renewal of its wine beer license because of **numerous complaints of unreasonable noise emanating from its then unenclosed sidewalk café**, sale to minor and unlicensed security and was denied unless the applicant submitted proof that its violations for selling alcohol to minors had been dismissed and agreed to make as conditions of its license stipulations that it would 1) employ bonded licensed security at all times, 2) install a limiter on its sound system to minimize noise complaints, and 3) close any doors or windows at 10:00 P.M. every night; and

WHEREAS, during its hearing in May of 2008, the applicant conceded that its unenclosed sidewalk café had not been renewed by DCA and it had applied for an enclosed sidewalk café; and

WHEREAS, consistent with its community board hearing in May of 2008, the applicant entered a conditional no contest plea before the SLA on May 16, 2008, for disorderly premises and failure to comply on April 1, 2006, and disorderly premises, failure to comply and unlicensed cabaret on August 11, 2006, and sustained charges on October 3, 2008, for disorderly premises, failure to comply and blocked exits on February 2, 2008, and sale to minor on November 28, 2007; and

WHEREAS, despite the enclosed construction of its sidewalk café, the business has received numerous 311 complaints of commercial noise within the past year; and

WHEREAS, given the history of complaints in operating its previously permitted unenclosed sidewalk café, its violations in operating its premises, its 311 call history despite its now enclosed sidewalk café and the residential character of East 6th Street, Community Board 3 cannot approve a sidewalk café permit greater than eight (8) tables and sixteen (16) seats with limitations on its hours of operation; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to approve the application for a sidewalk café permit for El Sayed 1 Corp., doing business as Horus Kabab House, for the premise located at 93 Avenue B, on the corner of East 6th Street and Avenue B, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of eight (8) tables and sixteen (16) seats located flush against the façade of the premises on East 6th Street, and
- 2) its hours of operation will be 12:00 P.M. to 10:00 P.M. all days.

Alterations

8. Freeman Holdings LLC, 191 Chrystie St (aka 2 Freeman Alley) (op/alt/extend Thurs-Sat closing hours from 12am to 2am)

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

To deny the application for an alteration of the full on-premises liquor license for Freeman Holding LLC, doing business as Freeman's, for the premise located at 191 Chrystie Street a/k/a 1 Freeman Alley, between Rivington Street and Bowery, to wit extending its closing hours to 2:00 A.M. Thursdays through Saturdays, 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 and serving food to within one (1) hour of closing,
- 2) its hours of operation will be 11:00 A.M. to 12:00 A.M. Mondays through Wednesdays, 11:00 A.M. to 2:00 A.M. Thursdays and Fridays, 10:00 A.M. to 2:00 A.M. Saturdays and 10:00 A.M. to 12:00 A.M. Sundays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will employ security Thursdays through Saturdays, from 9:00 P.M. to 2:00 A.M.,

- 5) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 6) 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,
- 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 insure that there are no wait lines outside,
- 12) it will maintain an interior waiting area,
- 13) it will keep signs posted outside, asking patrons to be quiet,
- 14) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 15) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

9. Villa Cemita (Villa Cemita Inc), 50 Ave A btwn E 3rd & E 4th Sts (wb/alt/relocating bar)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Villa Cemita Inc. is applying for an alteration of its wine beer license for its restaurant, doing business as Villa Cemita, at the premise located at 50 Avenue B, between East 3rd Street and East 4th Street, to wit legalizing renovations which relocated and enlarged its stand up bar; and

WHEREAS, this applicant is also seeking to reduce its daytime hours of operation, add happy hours, add three (3) televisions, add promoted and ticketed events for fund raisers and private parties and add live music for special events; and

WHEREAS, this applicant was denied a wine beer license by Community Board 3 in December of 2014 unless is agreed to make as conditions of its stipulation that it would 1) operate as a full-service restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 7:00 A.M. to 12:00 A.M. all days, 3) not commercially use any outdoor space, 4) install soundproofing, 5) close any façade doors and windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances, 6) play recorded background music and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, 7) not apply for an alteration without first appearing before Community Board 3, 8) not seek a change in class of its liquor license to a full on-premises liquor license without first obtaining the approval of Community Board 3, 9) not host pub crawls or party buses, 10) not have happy hours, 11) not have wait lines outside, 12) conspicuously post its stipulation beside its licenses inside its business, and 13) provide contact information for resident complaints and immediately respond to any resident complaints; and

WHEREAS, prior to being approved by Community Board 3 in December of 2014, neighborhood residents, concerned that this location had been licensed in the 1990s and had housed a tavern whose operation resulted in numerous complaints of noise, met with this applicant to insure that it would operate consistent with its proposed method of operation as a family restaurant with a small rear bar and agreed to support its application for a wine beer license with the above stipulations; and

WHEREAS, this applicant was heard for this application in both November and December of 2015; and

WHEREAS, prior to November of 2015, neighboring residents complained that this applicant had installed a larger bar in the front of its business without notice to the community inconsistent with its stipulations and contrary to the plans it proposed when it first met with residents; and

WHEREAS, there had been no notice of alteration to Community Board 3 for the stand-up sixteen (16) foot by nine (9) bar with eleven (11) stools prior to its installation by the applicant; and

WHEREAS, the applicant was notified of this illegal alteration by Community Board 3 and submitted a notice of alteration in 2015, which also included an intention to add a happy hour and to open four (4) hours later than its original stipulations reflected; and

WHEREAS, Community Board 3 denied this alteration in December of 2015, because neighboring residents had complained that this applicant was operating contrary to its agreed upon stipulations and the conditions of its license, in that this applicant 1) altered its premise without first appearing before Community Board 3, 2) operated later than 12:00 A.M., 3) left it façade open later than 10:00

P.M., 4) played loud entertainment level music heard by neighboring residents, 5) did not post its stipulations, and 6) advertised drink specials and promotions contrary to its method of operation as a family restaurant and, further, there was evidence that this applicant had been violating the Alcohol Beverage Control Law, in that it advertised and sold alcohol and mixed drinks containing alcohol, although it had only a wine beer license; and

WHEREAS, consistent with its community board hearing in December of 2015, the applicant entered a conditional no contest plea before the SLA on March 2, 2017, for failure to conform to its application, failure to comply, the sale of alcohol without a license, unauthorized alteration, prohibited sales and false material statements from November 12, 2015; and

WHEREAS, although the applicant furnished twenty-two (22) signatures from area residents in support of its application and asserted that it is now operating a full-service restaurant, a resident appeared on behalf of herself and thirty-three (33) residents of her building, 141 East 3rd Street, which is across the street from this location, to complain that the business is loud and advertises drink specials all hours and "boozy brunches," inconsistent from its representations that it is a food-focused restaurant and three (3) residents of the building where the business is located submitted letters in opposition to this application, which stated that they had not wanted a licensed establishment with a large bar at their commercial storefront; and

WHEREAS, the district manager of Community Board 3 also stated that she has observed that the business is loud and advertises drink specials all hours and "boozy brunches," as well as having advertised a "boozy Easter" this month; and

WHEREAS, although the applicant stated that it was a full-service restaurant with a full menu, it conceded that patrons come to the business "mainly for the drink deals;" now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for an alteration of the wine beer license for Villa Cemita Inc., doing business as Villa Cemita, for the premise located at 50 Avenue A, between East 3rd Street and East 4th Street, to wit legalizing the already installed stand-up bar; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 moves to deny the renewal of the wine beer license for Villa Cemita Inc., doing business as Villa Cemita, for the premise located at 50 Avenue A, between East 3rd Street and East 4th Street.

10. Saluggi's East (Saluggi's East Inc), 399 Grand St btwn Clinton & Essex Sts (op/alt/extend closing hours to 4am every night, currently 1am Sun-Wed, 2am Thurs-Sat)
withdrawn

New Liquor License Applications

11. Spectrum Catering and Concessions (Facility Concession Services Inc), 119-125 E 11th St (op) (operating concessions at Webster Hall)
withdrawn

New Liquor License Applications

12. Ummburger (Umm Hospitality Inc), 99 1st Ave @ E 6th St (op)

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

To deny the application for a full on-premises liquor license for Umm Hospitality Inc., with a proposed business name of Ummburger, for the premises located at 99 First Avenue, at the corner of East 6th Street and First Avenue, 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 gourmet burger restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 10:00 A.M. to 1:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 5) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, 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 host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,

- 9) it will not have "happy hours,"
- 10) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board 3 is approving this application for a full on-premises liquor license because 1) this is a sale of assets of an existing full-service restaurant with a full on-premises liquor license, 2) one of the principals has operated numerous restaurants in New York and California, and 3) the applicant furnished numerous signatures in support of its application from area residents.

13. Mable's Two LLC, 67 2nd Ave a/k/a 84 E 4th St (op)

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

To deny the application for a full on-premises liquor license for Mable's Two LLC, with a proposed business name of Mable's Hacienda and Tex Mex, for the premises located at 67 Second Avenue a/k/a 84 East 4th Street, at the corner of East 4th Street and Second Avenue, 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 Tex Mex restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 2:00 A.M. all days,
- 3) it will operate a sidewalk café, consisting of seventeen (17) tables and thirty-four (34) seats, with hours of operation of 11:00 A.M. to 11:00 P.M. Sundays and 10:00 A.M. to 11:00 P.M. Mondays through Saturdays,
- 4) it will close any front façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 5) it will play ambient background music only, consisting of recorded and live acoustic music, will not have DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, and live music will consist of no more than three (3) acoustic instruments at a time acoustic music will be played no more than five (5) times per year,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it will not host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,
- 9) it may have "happy hours" to 7:00 P.M. each night,
- 10) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board 3 is approving this application for a full on-premises liquor license because 1) this is a sale of assets of an existing full-service restaurant with a full on-premises liquor license, 2) one of the principals has operated numerous restaurants in New York and California, and 3) the applicant furnished numerous signatures in support of its application from area residents.

14. Cherin Sushi n Ramen Corp, 306-308 E 6th St btwn 1st & 2nd Aves (wb)

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

Noting that this applicant has operated the proposed business under different corporate names at 306 East 6th Street since July of 2005 and is seeking to move into the larger adjacent storefront, Community Board 3 moves to deny the application for a wine beer license for Cherin Sushi n Ramen Corp., for the premises located at 306-308 East 6th Street, between First Avenue and Second Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Japanese restaurant, with a kitchen open and serving food to within one (1) hour of closing,
- 2) its hours of operation will be 5:00 P.M. to 12:00 A.M. Mondays through Thursdays, 5:00 P.M. to 2:00 A.M. Fridays and Saturdays and closed Sundays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will play ambient background music only, consisting of recorded music, and 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 to a full on-premises liquor license without first obtaining the approval of Community Board 3,
- 8) it will not have "happy hours,"
- 9) it will not host pub crawls or party buses,
- 10) it will not have unlimited drink specials with food,
- 11) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

15. FryGuys LLC, 150 E 2nd St btwn Aves A & B (wb)

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

WHEREAS, FryGuys LLC is seeking a wine beer license to operate a French fry-based restaurant, in the premises located at 150 East 2nd Street, between Avenue A and Avenue B; and

WHEREAS, Community Board 3 was concerned about granting a wine beer license to this applicant given that this applicant was proposing to have "culturally significant store" which would marry art, the history of the East Village and the sale of French fry-based dishes and would have hours of operation of 12:00 P.M. to 2:00 A.M. Sundays through Thursdays and 12:00 P.M. to 4:00 A.M. Fridays and Saturdays with alcohol service ending at 12:00 A.M. and food service ending at 2:00 A.M. Fridays and Saturdays, as well as occasional promoted events, gallery openings, private parties and DJs; and

WHEREAS, the applicant has also stated that it is anticipating that its method of operation will produce wait lines outside; and

WHEREAS, this premises has never been licensed and is located on a residentially zoned street; and

WHEREAS, the surrounding blocks on Avenue A are already heavily congested with patrons from late night venues located along the avenue; and

WHEREAS, given that the applicant furnished only twenty-four (24) petition signatures from area residents in support of its application, none of which are from the building which would house the proposed business and most of which are not from the buildings immediately surrounding this location, Community Board 3 is concerned about the lack of outreach by the applicant to residents of the surrounding buildings given the proposed hours of operation and events, as well as the anticipated wait lines; and

WHEREAS, although the applicant indicated that its principals had similar experience, neither principal provided information about any similar work experience and neither principal has experience operating a licensed business or has held a liquor license; and

WHEREAS, given these concerns, Community Board 3 will only approve this application with earlier closing times, no DJs and no promoted events other than early evening art gallery openings; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a wine beer license for FryGuys LLC, for the premise located at 150 East 2nd Street, between Avenue A and Avenue B, 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 French fry-based restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 12:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install additional soundproofing, if needed,
- 5) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 6) it will play ambient background music only, consisting of recorded music, but will not have DJs, live music, scheduled performances or any event at which a cover fee will be charged and promoted events will be limited to art gallery openings not more than four (4) times a year, held between the hours of 5:00 P.M. and 8:00 P.M.;

- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it will not seek a change in class of its liquor license to a full on-premises liquor license without first obtaining the approval of Community Board 3,
- 9) it may have "happy hours" to 8:00 P.M. each night,
- 10) it will not host pub crawls or party buses,
- 11) it will not have unlimited drink specials with food,
- 12) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 13) it will 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.

16. Burgers and Chismus LLC, 143 Orchard St btwn Rivington & Delancey Sts (op)
withdrawn

17. Fifth Elephant LLC, 87 Ludlow St btwn Delancey & Broome Sts (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Fifth Element LLC is seeking a full on-premises liquor license on the ground floor and basement of the premises located at 87 Ludlow Street, between Delancey Street and Broome Street, New York, New York; and

WHEREAS, this application was heard by Community Board # in March of 2017 and the applicant then asked to be reheard by the community board in April of 2017; and

WHEREAS, this applicant is seeking to operate a two-story tavern and karaoke venue with a certificate of occupancy of one hundred forty-five (145) people, twenty-two (22) tables and seventy-eight (78) seats, two (2) twenty (20) foot bars, hours of operation of 4:00 P.M. to 1:00 A.M. all days, entertainment level recorded music and live music from patrons singing karaoke, cover fees for karaoke and security; and

WHEREAS, the applicant has stated that the public benefit for approving a full on-premises liquor license for this location is that twenty-five percent (25%) of the proposed business will have a dry bar for sober patrons, with sober bartenders to oversee their drinking and different glasses and hand stamping to distinguish sober and other patrons, so that sober patrons will have the ability to patronize a tavern karaoke venue with their drinking friends; and

WHEREAS, there are at least thirty-eight (38) full on-premises liquor licenses within five hundred (500) feet of this location; and

WHEREAS, there are a number of karaoke venues within two (2) blocks of this location, including BOHO Karaoke which is located at 150 Orchard Street, on the same block as this location; and

WHEREAS, the applicant could cite no example of an existing part sober part alcohol driven venue as support for the success of its proposed business model, instead citing six (6) venues in London which offer "mock-tails" as part of their drink menus, and conceded that the ability to serve alcohol to some patrons is necessary to support the sober portion of its business; and

WHEREAS, the applicant has no experience operating a licensed business and has articulated minimal experience working as a bartender bar manager in a licensed business; and

WHEREAS, although the applicant furnished evidence of outreach to and support from the surrounding community for its business, in that it furnished one hundred five (105) petition signatures, and had friends and potential patrons speak in its support both months it was heard, the LES Dwellers, a local residents association, appeared and submitted a statement in opposition to this application, citing the exponentially increasing crime statistics, which include thirty percent (30%) of all precinct crimes occurring within a two (2) block radius of this location, incredible traffic and people in the immediate area, the twenty-six (26) full on-premises liquor licenses within five hundred (500) feet of this location, the number of karaoke venues within two (2) blocks of this location, the lack of public benefit of this application, that this is a location in an area with the highest alcohol density in the state, the lack of experience of the applicant in operating a licensed business or working within a licensed business and the bad actions of the existing licensee at this location, including pending SLA violations and ECB violations which were resolved in March of 2017; and

WHEREAS, notwithstanding that this location had a business with a full on-premises liquor license, the prior licensee for this location was denied by Community Board 3 in November of 2011, unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate as a restaurant tavern, serving simple bar food to within one (1) hour of closing, 2) have hours of operation of 4:00 P.M. to 1:00 A.M. all days, 3) play ambient background music, consisting of recorded music only, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee would be charged, 4) not commercially use its backyard, and 5) designate an employee to manage vehicular and pedestrian traffic and noise in front of the business; and

WHEREAS, the prior applicant was then approved by Community Board 3 in August of 2012 for an alteration which added an additional eighteen (18) foot bar with eight (8) seats in the basement which would have a certificate of occupancy of fifty-nine (59) people; and

WHEREAS, the prior applicant was then heard by Community Board 3 for the renewal of its full on-premises liquor license in February of 2014, because there were complaints from residents and the local police precinct that it was hosting live bands, DJs, scheduled performances and events with cover fees and operating until 4:00 A.M. and the applicant was denied unless it agreed to make as conditions of its license stipulations that it would 1) operate as a tavern, 2) have hours of operation of 4:00 P.M. to 1:00 A.M. all days, 3) play ambient recorded background music only and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee would be charged, 4) not apply for any alteration in its method of operation without first appearing before Community Board 3, 5) have a closed fixed façade with no open doors or windows, 6) not commercially use any outdoor areas, 7) have "happy hours" to 7:00 P.M. each night, 8) not host pub crawls or party buses, 9) designate an employee to monitor patron noise and crowds on the sidewalk outside of its business, 10) install additional soundproofing, if necessary, and 11) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, at the time of its renewal in February of 2014, the prior applicant conceded that it had been hosting live bands, DJs and events with cover fees for at least six (6) months and that it was operating past its stipulated closing times; and

WHEREAS, the prior applicant continues to operate this location and, in addition to those complaints of live music, events with cover fees and late night hours contrary to its stipulations, the prior applicant has pending SLA violations from September 9, 2016, for failing to conform to its application, failing to comply with stipulations, locked exit, blocked exit, defective emergency signs and not conforming to codes, scheduled for hearing on April 26, 2017, as well as ECB violations from September 23, 2016, for an illegal bar extension and a locked rear exit door, which per the applicant were resolved after its March 2017 community board hearing; and

WHEREAS, for the aforementioned reasons, Community Board believes that the stated public benefit of establishing a portion of a tavern for sober patrons is insufficient for the granting of a full on-premises liquor license in a location where the existing licensee has pending violations and a history of operating inconsistent from its stipulations, in an area with numerous businesses with full on-premises liquor licenses and a number of karaoke businesses and to an applicant with limited experience working within a licensed venue and no experience operating a business with a liquor license; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the full on-premises liquor license for Fifth Element LLC, for the premises located at 87 Ludlow Street, between Delancey Street and Broome Street, New York, New York.

18. 1 Pike Corp, 1 Pike St (wb)
withdrawn

Items not heard at Committee

19. Sushi Dojo (Bonada LLC), 110 1st Ave (wb/corp change)
no votes necessary

20. Taqueria Diana (TD Clinton), 69 Clinton St (wb)
no votes necessary

21. Akina Sushi (East Akina Sushi Inc), 424 E 14th St (wb)
no votes necessary

22. Fiaschetteria Ltd, 647 E 11th St (wb)
no votes necessary

23. Hub Thai Corp, 103-105 Ave A (wb)
no votes necessary

24. Shoyu LLC, 326 E 6th St (wb)

- no votes necessary
- 25. Mottie Project Inc, 43 Mott St (wb)
 - no votes necessary
- 26. Mountains & Rivers Szechuan House Inc, 19-23 St Marks Pl (wb)
 - no votes necessary
- 27. Babu Ji (EV Daal LLC), 175 Ave B (wb)
 - no votes necessary
- 28. Lena (Beste Bat LLC), 135-137 Eldridge St (wb)
 - no votes necessary
- 29. Mughlai (Dynamics Food Corp), 6 Clinton St (wb)
 - no votes necessary
- 30. Vote to adjourn
 - approved by committee

Old Business

- 31. Mr White (Mr White LLC), 121 St Marks Pl (wb)

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

WHEREAS, Mr White LLC is seeking a wine beer license to operate a New Southern cuisine restaurant, in the premises located at 121 Saint Marks Place, between First Avenue and Avenue A; and

WHEREAS, Community Board 3 was concerned about granting a wine beer license to this applicant given that this applicant was proposing to have hours of operation of 11:00 A.M. to 2:00 A.M. Sundays and 10:00 A.M. to 3:00 A.M. Mondays through Saturdays; and

WHEREAS, this premises is located on a residentially zoned street; and

WHEREAS, there are ten (10) full on-premises liquor licenses and eleven (11) wine beer licenses on this block of Saint Marks Place between First Avenue and Avenue A; and

WHEREAS, notwithstanding that the applicant furnished one hundred five (105) petition signatures from area residents in support of its application, The North Avenue A Neighborhood Association and The 9th Street A-1 Block Association submitted letters in opposition to the proposed hours for this location; and

WHEREAS, although the applicant provided a verbal recitation during its community board hearing that its principals had bartending and managerial experience and that one of the principals had previously held a liquor license, it omitted this experience from its community board questionnaire which prevented the community board from fully researching its background; and

WHEREAS, given these concerns, Community Board 3 will only approve this application with earlier closing times; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a wine beer license for Mr White LLC, for the premise located at 121 Saint Marks Place, between First Avenue and Avenue A, 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 New Southern cuisine restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 12:00 A.M. Sundays through Wednesdays and 12:00 P.M. to 1:00 A.M. Thursdays through Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install additional soundproofing, if needed,
- 5) 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,
- 6) it will play ambient background music only, consisting of recorded music and acoustic live music, but will not have DJs, promoted events, scheduled performances or any event at which a cover fee will be charged and its live music will consist of no more than three (3) string instruments twice a month playing no later than 6:00 P.M.,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it may have "happy hours" to 6:00 P.M. each night,
- 9) it will not host pub crawls or party buses,

- 10) it will not have unlimited drink specials with food,
- 11) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

34 YES 0 NO 1 ABS 0 PNV MOTION PASSED

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

- 1. Approval of previous month's minutes approved by committee
- 2. DDC presentation: Renovation of Hamilton Fish Park Branch Library at 415 E Houston. Upgrade is selective renovation of the interior and exterior of building

VOTE: TITLE: Support for the Hamilton Fish Park Branch Library Renovation

WHEREAS, The Hamilton Fish Park Branch Library, located on 415 East Houston Street, is a one-story brick masonry building which is part of a larger multi-facility complex shared by Public School – New Explorations into Science Technology and Math High School; and

WHEREAS, The Hamilton Fish Park Branch Library was the third most visited among all CB 3 libraries in Fiscal Year 2016 with over 170,000 visits; and

WHEREAS, a proposed renovation of the library provides for a selective renovation of the interior and exterior of the building and seeks to enhance the library's street presence and visibility to the community, while providing more natural light for the library; and

WHEREAS, this goal will be accomplished in part by replacing existing translucent glass brick masonry units with new fully transparent windows on the Houston Street façade; and

WHEREAS, the project is currently in the design development phase, with the design scope including a new, ADA accessible main entrance and restrooms, a renovation to the facade and interior, as well as replacing HVAC system; and

WHEREAS, Department of Design and Construction anticipates the design will be completed in Spring 2018 and construction will begin in Spring 2019; and

WHEREAS, the surrounding community will benefit from a revitalized and modernized public space, which accommodates the needs of the library patrons and improves its overall functionality; so

THEREFORE BE IT RESOLVED, Community Board 3 supports the proposed Hamilton Fish Park Branch Library renovation to improve the quality of this valuable space and draw in more visitors.

- 3. Presentation on WildlifeNYC: educational campaign to increase public awareness about wildlife in the city no vote necessary
- 4. Temporary public art installation for Seward Park no vote necessary
- 5. LES Harm Reduction – overview of Tompkins Square Park outreach no vote necessary
- 6. Planning for District Needs Statement no vote necessary
- 7. Report from Arts & Cultural Affairs Subcommittee no vote necessary

Block Party

- 8. Family Day @ PS142, 5/13, 100 Attorney St (btwn Rivington & Delancey Sts)

VOTE: TITLE: Support the Family Day at PS142, 5/13/2017, 100 Attorney St between Rivington & Delancey Sts.

To conditionally support the Family Day at PS142, 5/13/2017, 100 Attorney St between Rivington & Delancey Sts upon receipt of the petition with resident signatures.

- 9. GSS Seniors Wellness Expo, 6/14, Pitt St (btwn Rivington & Stanton Sts)

VOTE: TITLE: Support for the GSS Seniors Wellness Expo on 6/14/2017, Pitt St. between Rivington & Stanton Sts.

To Support the GSS Seniors Wellness Expo on 6/14/2017, Pitt St. between Rivington & Stanton Sts.

10. Vote to adjourn
approved by committee

35 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Two Bridges EIS Update:

The draft scope meeting has been pushed back to May 25.
Putting together task force testimony that would be reflective of community residents. CB3 has retained George James who has experience commenting on EIS statements. He will write a draft of testimony for CB3.

Essex Crossing Task Force:

Future of Essex Street Market was discussed. Most of CB3 asks were addressed.
Heard developers plans for local hiring and job training. Developers provided a work-force update. Discussion ensued about how local hiring statistics are reported. CB members expressed concern on low levels of local hiring. Gigi promised to follow up with concerns and advocate for more transparency and increased communication with developers.
Home ownership applications are open.
Transportation challenges will be discussed going forward with developers.

Vote to adjourn

35 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

David Adams	[P]	Herman F. Hewitt	[P]	Nancy Ortiz	[A]
Yaron Altman	[P]	Trever Holland	[P]	Carolyn Ratcliffe	[P]
Dominic Berg	[A]	Anne K. Johnson	[P]	Joyce Ravitz	[P]
Karen Blatt	[P]	Linda Jones	[P]	Damaris Reyes	[A]
Lisa Burriss	[P]	Vaylateena Jones	[P]	James Rogers	[P]
Alan van Capelle	[P]	Meghan Joye	[P]	Richard F. Ropiak	[P]
Karlin Chan	[P]	Lisa Kaplan	[P]	Robin Schatell	[P]
MyPhuong Chung	[P]	Carol Kostik	[P]	Laryssa Shainberg	[P]
David Crane	[P]	Mae Lee	[P]	Wilson Soo	[A]
Enrique Cruz	[A]	Veronica Leventhal	[P]	Nancy Sparrow-Bartow	[P]
Eric Diaz	[A]	Alysha Lewis-Coleman	[P]	Josephine Velez	[P]
Wilda Escarfuller	[A]	Gigi Li	[P]	Rodney Washington	[P]
Shirley Fennessey	[P]	Jeremy Markman	[A]	Kathleen Webster	[P]
David Ford	[P]	Chad Marlow	[P]		
Debra Glass	[P]	Alexandra Militano	[P]		

Meeting Adjourned