



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

February 2018 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, February 27, 2018 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

Michelle Dwinfield – Chair of Samuel Tilden Democratic Club opposes any development plan that does not include a minimum of 40% affordable housing by floor area at the Tech Hub at 124 East 14th street.

Robert Giusti – Against the Tech Hub without a zoning protection. A Greenwich Village resident.

Elizabeth Languith – Resident of the Lower East Side. Is in support of the rezoning protection for the tech hub.

Mohan Matabeck – Member of 32 BJ Union. Is in support of the Tech Hub as written.

Brittany Spatz – On behalf of Educational Alliance to express support of the Tech Hub. Access to 21st century resources, networks and opportunities for Nonprofits and teens.

Andrew Berman – Desires to include strong language into the resolution for the tech hub for rezoning protection. Representing GVSHP. Asking to provide councilwoman Rivera with the language needed to negotiate with the City for protecting the 3rd and 4th avenue corridor of residential buildings.

Julian Morales – Lead organizer of GOLES. Wants all residents to be represented in this tech hub resolution.

Janine Quijije – Is in support of the Tech Hub resolution as CB3 has written. Representing MOUSE to allow students access to technology.

Jean Standish – Tech Hub, not against the Tech Hub. Is in support of the CB3 resolution proposal as is.

Dave Mulkins – Is in support of the protection for the residents on 3rd and 4th avenue residential corridor.

Aixa Torres – Chair of the Alfred E Smith Resident Association, is in support of the Tech Hub as written by CB3. Two Bridges leadership is also in support of the Tech Hub.

Marcela Mconnell – NYCHA Hurricane Sandy update. 8 current hurricane Sandy construction projects including La Guardia, Smith and Baruch projects.

Dr. Hazel Guzman – Presenting on Mental Health Services at 2 Allen Street Northside Center. A trilingual health service.

Alexis Mercer – Informing the community about recovery services from Educational Alliance. Center for recovery and wellness. Substance abuse and other trauma issues.

Rachel Pratt – New York Road Runner. Announced the March 18th marathon and explained that they will work with local churches and other nonprofit groups regarding logistics and support for this marathon. No amplified sound. Nancy Ortiz asked why the community engagement is taking place 3 weeks before the date of the marathon and why the routes were selected. Responded that the Mayors office was included in the process. Susan Stetzer responded that the process taken was faulty and not real community input. Trevor Holland asked why the marathon was moved to our district. The response was that the believed it would be easy process. Trevor asked if CB1 had any complaints from the Road Runners. The response was they may have. Susan Stetzer explained that there is. Community board member asked if cars would be moved for this marathon. The response from Road Runner reps is that they will be moved. Robin Shatell asked if there would be lots of barricades. The response was that there would be.

Blaze Jones Yellin – Lowline update provided. Encouraging more green space. Paid youth internship STEM program. Asking if a green space or garden needs help, they are bringing their youth and volunteers to support. Announced Earth Day celebration in April. Will return next month.

Cassandra Davilmar – Introducing Classic Man Barber Lounge into the neighborhood.

K Webster – Looking to get justice for the residents who lived at Rivington House. Praised Councilwoman Chin for her advocacy. The settlement houses agreed to pool their attorney general allocation. She wants CB3 to pressure where the missing 30 million dollars are from the Rivington houses settlement.

Public Officials:

Mayor Bill de Blasio, Gabrielle Dann-Allel:

Public Advocate Letitia James, Adam Chen:

NYCHA heat complaints have been heard and a request from her office has gone to NYCHA to open up heat centers to support tenants waiting for heat. Provided Public Advocate report.

Comptroller Scott Stringer, Michael Stinson:

Borough President Gale Brewer, Afraz Khan:

85 Bowery update, HPD will remove unsafe partitions where the tenants live with the tenants input. They are talking with Councilwoman Chin regarding the Rivington House closure. The Charas building commitment is advocated to the Mayor's office. They are waiting a response (it has been 4 weeks already) will continue to provide pressure. Public education campaign for residents. A youth council of 25 high school students have commenced.

Congressmember Nydia Velazquez, Iris Quinones:

Congressmember Carolyn Maloney, Victor Montesinos:

Announced the sex trafficking bill has gone to the floor to combat online sex trafficking. CB member Vaylateena Jones publicly thanked Carolyn Maloney for her advocacy for WTC victims programming for funding.

Assemblymember Yuh-Line Niou, Rebecca Ou:

March 11th at 150 Broadway there will be a panel of leaders in the arts, government, business from 12pm-3pm. 85 Bowery Street update, the office received confirmation that the landlord is being contacted. There were

Assemblymember Deborah J. Glick, Charlie Anderson:

Provided assemblymember report. Is asking for help from any former Steve Croman tenants looking to settle any issues.

Assemblymember Brian Kavanagh, Venus Galarza-Mullins:

Provided assemblymember report.

State Senator Brad M. Hoylman, Caroline Wechselbaum:

Provided Senator report. Asked for a nomination of women or veteran of distinction for the senator to honor within this district.

Councilmember Margaret Chin, Patricia Olaye:

Reminder regarding councilwoman's office new location. There is a plan being formed for 85 bowery tenants. Events invitation to March 7th at 530pm at city council chambers, an open event. A free citizenship application assistance on March 10th.

Councilmember Carlina Rivera, Sheila Rodriguez:

Carlina Rivera delivered a board report. Announced chair of hospitals committee and co-chair of womens caucus. Affordable housing, jobs and responsible development are top 3 priorities for Councilwoman Rivera.

Members Present at First Vote:

David Adams	[P]	Ryan Gilliam	[P]	Robert Magliaro	[A]
Yaron Altman	[P]	Debra Glass	[P]	Jeremy Markman	[P]
Dominic Berg	[P]	Herman F. Hewitt	[P]	Alexandra Militano	[P]
Lee Berman	[P]	Trever Holland	[P]	Nancy Ortiz	[P]
Karen Blatt	[A]	Linda Jones	[P]	Carolyn Ratcliffe	[P]
Lisa Burriss	[A]	Vaylateena Jones	[P]	Joyce Ravitz	[A]
Karlin Chan	[P]	Marnie Ann Joyce	[A]	Damaris Reyes	[P]
Jonathan Chu	[A]	Meghan Joye	[P]	Richard F. Ropiak	[P]
MyPhuong Chung	[P]	Lisa Kaplan	[P]	Robin Schatell	[P]
David Crane	[P]	Carol Kostik	[A]	Laryssa Shainberg	[P]
Enrique Cruz	[P]	Mae Lee	[P]	Clint Smeltzer	[P]
Eric Diaz	[P]	Veronica Leventhal	[P]	Nancy Sparrow-Bartow	[P]
Dean Diongson	[P]	Alysha Lewis-Coleman	[P]	Josephine Velez	[P]
Alistair Economakis	[A]	Gigi Li	[A]	Rodney Washington	[P]
Shirley Fennessey	[P]	Luis Lopez	[P]	Kathleen Webster	[P]
David Ford	[P]	Mei Lum	[A]		

Minutes:

Minutes of December 2017 were approved, as is.

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Alysha Lewis-Coleman

Comptroller Scott Stringer office for paid teen summer internship program between June 11th to August 29th. Black History month shout out. A new by-laws committee is formed, and new chair of the committee is Lisa Kaplan. Inviting all to bring up any by-laws they wish to potentially amend. Reminder regarding CB3 office contact protocol, they can contact Chair Alysha when they feel they aren't being responded to.

District Manager's Report:

District Manager Susan Stetzer

The District Manager called attention to the forum regarding Beth Israel services. Please distribute flyers--we need input from residents regarding which services are necessary to remain in the community.

The Half Marathon will be on March 18. The current City Process does not require Community Board notification. We will be meeting with Road Runners and will also debrief with them after the Marathon.

The controversial Dogman statue will not be displayed in CB 3 but will be in another Community District.

There have been complaints about the police lights on Rivington. They have been placed there because of an uptick in crime--which has gone down since the placement of the lights. DOT has now approved additional street lights so the police lights will be removed when the new street lights are installed.

Committee Reports:

Executive Committee

no votes necessary

Landmarks Committee

1. Approval of previous month's minutes
approved by committee
2. Certificate of Appropriateness application to attach a vestibule enclosure at 77 E 7th Street
VOTE: TITLE: CB 3 approves the application to attach a vestibule enclosure at 77 East 7th Street

WHEREAS, 77 East 7th Street is a contributing building in the Lower East Side/East Village Historic District; and

WHEREAS, 77 East 7th Street was constructed in 1899 by architect/builder Kurtzer & Rohl; and

WHEREAS, 77 East 7th Street us a five story tenement with renaissance revival ornamentation, white brick façade, elaborate pedimented lintels, with shell and scrollwork motifs, all in terra cotta; and

WHEREAS, the storefront entrance is flanked by structural cast iron pilasters and an original wood door; and

WHEREAS, the application is to add an aluminum and glass vestibule five feet deep and 11 feet wide at the front door; so

THEREFORE BE IT RESOLVED, CB3 approves the proposed vestibule with the following suggestion:

- If feasible, the aluminum structural members should reflect the verticality of the vertical elements of the storefront, namely the cast iron piers flanking the restaurant entrance.

3. Vote to adjourn
approved by committee

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Joint Economic Development and Land Use

- ULURP 180201ZMM, 180202ZRM, and 180203ZSM: East 14th Street & Irving Place - approval of a zoning map amendment, zoning text amendments, and a special permit to facilitate the redevelopment of a City-owned site for a 21-story, mixed-use commercial building located at 124 East 14th Street

VOTE: TITLE: Resolution in support of ULURP 180201ZMM, 180202ZRM, and 180203ZSM: East 14th Street & Irving Place - approval of a zoning map amendment, zoning text amendments, and a special permit to facilitate the redevelopment of a City-owned site for a 21-story, mixed-use commercial building located at 124 East 14th Street

WHEREAS, The New York City Economic Development Corporation (NYCEDC) on behalf of the Deputy Mayor for Housing and Economic Development (DMHED) and the Applicant, are proposing an

application requesting two zoning text amendments, a zoning map amendment, and a special permit; and

WHEREAS, the development site is located at 124 East 14th Street and is proposed to include a 21-story mixed use office and retail commercial building including retail use on the ground and cellar levels and educational and job training space; and

WHEREAS, CB3 is aware that in 1992 this site was identified by the NYS Housing Finance Agency as a site slated for permanent housing for the homeless; and

WHEREAS, CB3 is also aware that the property was never developed for the homeless but instead was developed for commercial use and leased to PC Richards; and

WHEREAS, the four (4) actions are requested: (1) zoning map amendment to rezone portions of the site from C6-2A, C6-3X, and C6-1 to C64, (2) zoning text amendment to map the project area as a Mandatory Inclusionary Housing (MIH) area, (3) zoning text amendment to allow the project area to benefit from bulk waivers, and (4) a special permit to waive the development site from initial setback and sky exposure plane requirements and rear yard regulations; and

WHEREAS, the specific uses within the proposed development will break down as retail including market space in the cellar and ground floors, community event space on the 2nd floor, collaborative work center and digital skills training on the 3rd to 7th floors, step-up office space on the 8th-12th floors, and established office space on the 13th-20th floors, with 21st floor/rooftop space for tenant use; and

WHEREAS, the following programming requirements have been promised:

- 25% of market space booths shall be reserved for new businesses and entrepreneurs
- No retail space can be leased to tenants who have another location within *0.5 miles* of the property or who operate more than *five* locations in Manhattan with a 25-year use restriction
- Community event space will be made available to the public at reduced rates eight times per quarter for a total of 32 events annually with a 25-year use restriction
- Three floors of the building shall be permanently dedicated to workforce development focused on under-served communities such as public school students, teachers, immigrants, people with disabilities, and the elderly
- For-profit partners must offer scholarships or discounts for 20% of students equal to 50% of tuition
- Digital skills training space is rent restricted to \$50 per square foot, escalated at 2% annually with a 99-year use restriction
- Five floors will be dedicated to step-up office space for companies with five to 15 employees that are seeking to expand into larger spaces at flexible terms that include lease terms no shorter than six months and no longer than five years, reduced security deposit requirements, and guaranties limited to 12 months' rent and the landlords contribution to the tenant build-out with a 25-year use restriction; so

THEREFORE BE IT RESOLVED, that Manhattan Community Board 3 recommends this application be approved with the following conditions:

- 1) An additional floor of workforce development and digital training for a total of 4 floors with this additional floor coming from the proposed allocation for flexible step-up office space floor
- 2) The basement level--formerly PC Richard space that currently has no assigned use, be programmed for use for one by one or more local nonprofit arts/cultural/theatre groups
- 3) Housing Preservation and Development (HPD) conduct an outreach campaign with funding for local providers, to educate local residents in the Third, Fourth Avenues area on tenant rights, and dedicate itself to monitor the area for displacement impacts
- 4) Consistent with previous board support for rezoning the 3rd and 4th avenue corridors, including the December 2017 board resolution, CB3 urges the City to commence the process of rezoning this area as well as incentivize affordable housing and exclude certain use groups such as hotels and big box stores
- 5) Additional scholarships be made available and scholarship programs be reported to EDC and Community Board 3 for monitoring. With the understanding that approximately 80% of the digital workforce development providers will already be providing completely free services, CB 3 requests that the remaining 20% of providers that are private companies offer at minimum 20% of tuition income as scholarships, broken down as follows: 10% at 50% of tuition rate and 10% at 100% tuition rate. Scholarships must be need based, and exclusively for CB 3 residents, and prioritize women and minorities.

- 6) Rooftop space have no amplified sound or use after 10 PM
- 7) The event space should be free for local nonprofit and community groups 52 times per year for the duration of the lease
- 8) Market hall vendor restriction to a maximum of *three* locations rather than *five*, with a preference for local merchants within CB 3
- 9) A community advisory committee shall be formed with the membership being appointed by the following: 3 Members from the Community Board; 1 appointed by the City Council Member; and 1 appointed by the Manhattan Borough President. This advisory board shall be in effect throughout the construction and operation of the facility.

The project developers must work with LESEN to ensure that construction and other jobs on the site are prioritized for local residents, as well as explore opportunities for continued collaboration around future workforce needs. The percentage and number of local hires should be reported to CB3 through the Community Advisory Committee. Expectations of both parties should be set in a Memorandum of Understanding.

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Land Use, Zoning, Public & Private Housing Committee

1. Approval of previous month's minutes (Land Use)
approved by committee
2. Report from Public Housing & Section 8 Housing Subcommittee
no vote necessary
3. Vote to adjourn (Land Use)
approved by committee

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Economic Development Committee

1. Approval of previous month's minutes
approved by committee
2. Vote to adjourn (Economic Development)
approved by committee

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED

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

1. Approval of previous month's minutes
approved by committee
2. Essex Crossing School: follow up and next steps
no vote necessary
3. NYS AG settlement re Rivington House: CB 3 next steps regarding settlement stipulations (funding for nonprofits, nursing home beds, additional nursing home)
VOTE: To send back to Committee was made.
4. Mount Sinai Beth Israel – update on downsizing
no vote necessary
5. Review/discussion of first draft of district needs "call-out" section on community-based health centers
no vote necessary
6. Vote to adjourn
approved by committee

27 YES 3 NO 0 ABS 0 PNV MOTION PASSED (Human Services item 3)

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED (rest of Human Services items)

SLA & DCA Licensing Committee

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

Applications within Saturated Areas

2. MIPA Inc, 131 Ave A btwn St Mark Pl & E 9th St (wb)

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

To deny the application for a wine beer license for MIPA Inc. for the premises located at 131 Avenue A, between Saint Marks Place and East 9th 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 restaurant, to wit an Italian bistro, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 12:00 A.M. Sundays, 12:00 P.M. to 12:00 A.M. Mondays through Thursdays and 11:00 A.M. to 2:00 A.M. Fridays and Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) 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,
- 5) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it will not seek a change in class to a full on-premises liquor license without first obtaining the approval of Community Board 3,
- 8) it may have "happy hours" to 7:00 P.M. each night,
- 9) it will not host pub crawls or party buses,
- 10) it will not have unlimited drink specials with food,
- 11) it will not have wait lines 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.

3. Juraku Inc, 162 Orchard St (op)
withdrawn

4. Copper Throat Corp, 123 Ludlow St (op)
withdrawn

5. Hanoi House (King Me Kong LLC), 119 St Marks Pl btwn 1st Ave & Ave A (op)

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

WHEREAS, King Me Kong LLC, doing business as Hanoi House, is seeking a change in class of its wine beer license to a full on-premises liquor license for its restaurant located at 119 Saint Marks Place, between First Avenue and Avenue A; and

WHEREAS, an application for a full on-premises liquor license for this applicant was heard by Community Board 3 in January of 2016 and a wine beer license was denied unless the applicant agreed to make as conditions of its license the stipulations that it would 1) operate a full-service Vietnamese restaurant with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 11:00 A.M. to 12:00 A.M. all days, 3) not commercially operate any outdoor areas, 4) close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, 5) play recorded background music and not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee would be charged, 6) not seek a change in class to a full on-premises liquor license without first obtaining the approval of Community Board 3, 7) have happy hours to 8:00 P.M. each night, 8) not host pub crawls or party buses, 9) not apply for any alteration in its method of operation without first appearing before Community Board 3, 10) not have unlimited drink specials with food, 11) not have wait lines and designate an employee to oversee patrons and noise on the sidewalk, 12) conspicuously post its stipulation form beside its liquor license inside of its business, and 13) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, the applicant then did not agree to sign stipulations with Community Board 3 and applied to the SLA for a wine beer license which was issued on December 12, 2016, with 2:00 A.M. closing times all days; and

WHEREAS, the applicant has operated this restaurant with a wine beer license and without any complaints since it opened in January of 2017; and

WHEREAS, the applicant furnished petition signatures, fifty-seven (57) of which are from area residents, and one (1) resident who lives across the street from this location appeared in support of its application, citing the benefit of adding a full-service restaurant to this block saturated with licensed businesses; and

WHEREAS, the applicant has agreed to reduce its closing times to 12:30 A.M. all days and has stated that all seating, including bar seats, are reserved for dining; and

WHEREAS, there are twenty-four (24) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but thirty-three (33) full on-premises liquor licenses and six (6) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map, with eleven (11) full on-premises liquor licenses, twelve (12) wine beer licenses and one (1) pending full on-premises liquor license on this block; and

WHEREAS, the North Avenue A Neighborhood Association submitted a statement and appeared in opposition to this application, stating that the applicant did not agree to the original community board resolution, the location is within two hundred (200) feet of a school, the business has eliminated daytime hours and there is no public benefit in adding a full on-premises liquor license to this block.

WHEREAS, this location may be within two hundred (200) feet of a school, to wit George Jackson Academy, located at 104 Saint Marks Place, between First Avenue and Avenue A; and

WHEREAS, notwithstanding opposition from the local neighborhood association and the number of licensed businesses on this street and provided that the SLA determines that this location is not within two hundred feet of a school, Community Board 3 approves the change in class of this wine beer license to a full on-premises liquor license with the amended hours of operation; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a change in class of a wine beer license to a full on-premises liquor license for King Me Kong LLC, doing business as Hanoi House, to a full on-premises liquor license for its restaurant located at 119 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 Vietnamese restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 12:30 A.M. Sundays and 5:30 P.M. to 12:30 A.M. Mondays through Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) 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,
- 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 may have "happy hours" to 7:00 P.M. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

6. Hub Thai Corp, 103-105 Ave A (upgrade to op)
withdrawn

7. Hot Pot Zen (M & Y Catering Inc), 31 St Marks Pl btwn 2nd & 3rd Aves (op)

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

WHEREAS, M & Y Catering Inc. is applying for a full on-premises liquor license to operate a restaurant in the premises located at 31 Saint Marks Place, between Second Avenue and Third Avenue, New York, New York; and

WHEREAS, this applicant is proposing to operate a Japanese restaurant with a certificate of occupancy of seventy-four (74) people, seven (7) tables and thirty-four (34) seats, an eighteen (18) foot bar with ten (10) stools, hours of operation of 11:00 A.M. to 11:00 P.M. Sundays through Thursdays and 11:00 A.M. to 12:00 A.M. Fridays and Saturdays, a kitchen open all hours of operation, one (1) television, recorded background music, no happy hours and no wait lines outside; and

WHEREAS, this applicant has stated that it is purchasing the assets of the existing business; and

WHEREAS, the existing business, doing business as Zen Restaurant, has been continuously licensed since prior to 1993, in that it has been operating with a full on-premises liquor license since October 12, 1984; and

WHEREAS, there are thirty-three (33) full on-premises liquor licenses within five hundred (500) feet of this location and nine (9) full on-premises liquor licenses, ten (10) wine beer licenses and two (2) eating place beer licenses on this block of Saint Marks Place, between Second Avenue and Third Avenue; and

WHEREAS, the applicant has stated that it intends to operate a similar method of operation as the existing business in that it will operate a Japanese restaurant with moderate hours; and

WHEREAS, the applicant has operated a restaurant in Flushing, New York, with a full on-premises liquor license for three (3) years, a restaurant at 19-23 Saint Marks Place with a wine beer license since August 2, 2017, and has experience operating eight (8) restaurants overall; and

WHEREAS, given that this is a sale of assets of a restaurant that has operated with a full on-premises liquor license since prior to 1993 and this application will consequently be less strictly scrutinized by the SLA, Community Board 3 would approve this application with stipulations; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premises liquor license for M & Y Catering Inc., with a proposed business name of Hot Pot Zen, for the premises located at 31 Saint Marks Place, between Second Avenue and Third 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 during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 11:00 P.M. Sundays through Thursdays and 11:00 A.M. to 12:00 A.M. Fridays and Saturdays,
- 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 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 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 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.

8. Bareburger (BB Orchard LLC), 173 Orchard St btwn E Houston & Stanton Sts (op) THIS IS A WB APPLICATION
VOTE: TITLE: Community Board 3 Recommendation To Deny Unless Stipulations Agreed To—Stipulations Attached

WHEREAS, BB Orchard LLC is applying for a wine beer license to operate a restaurant in the premises located at 173 Orchard Street, between East Houston Street and Stanton Street, New York, New York; and

WHEREAS, this is an application for a burger restaurant with ten (10) tables and twenty-five (25) seats, no bar, 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, a closed facade, recorded background music, no promoted events, scheduled performances or events with cover fees, happy hours to 9:00 P.M. and no wait lines outside; and

WHEREAS, this location previously housed a Latin American restaurant which operated with a full on-premises liquor license that was issued on July 6, 2011, and expired in June of 2017; and

WHEREAS, the applicant has operated the same business with later hours of operation at 85 Second Avenue which was issued a wine beer license in 2012 and a full on-premises liquor license in 2014; and

WHEREAS, given that the applicant is seeking to relocate its business that has operated in this community for six (6) years without complaints and operate at this location with a wine beer license; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a wine beer license for BB Orchard LLC, with a proposed business name of Bareburger, for the premises located at 173 Orchard Street, between East Houston Street and Stanton Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service burger restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 12:00 A.M. Sundays through Wednesdays and 11:00 A.M. to 2:00 A.M. Thursdays through Saturdays,
- 3) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 4) it will not commercially operate any outdoor areas,
- 5) it will play ambient background music only, consisting of recorded music, and will not have 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 seek a change in class to a full on-premises liquor license without first obtaining the approval of Community Board 3,
- 8) it may have "happy hours" to 9:00 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 not have 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.

9. Gosling Inc, 234 E 4th St btwn Aves A & B (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 Gosling Inc., for the premises located at 234 East 4th 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 Asian-influenced restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 5:00 P.M. to 1:00 A.M. Tuesdays through Sundays and it will be closed Mondays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install additional soundproofing if necessary and will address any complaints of noise or vibrations from neighboring residents,
- 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 host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will not have "happy hours,"
- 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

Community Board 3 is approving this application for a full on-premises liquor license although this location is in an area with numerous full on-premises liquor licenses because 1) this applicant has

twenty (20) years' experience in the catering business and has employed a manager with experience working in restaurants, 2) this location previously housed a restaurant which operated with a full on-premises liquor license, and 3) this applicant furnished petition signatures in support of its application, fifty-six (56) of which were from area residents with many of those from residents of the building.

10. JDI Group Partners Inc, 23 Ave A (op)
withdrawn

Sidewalk Cafe Application

11. Wagamama NY 55 3rd LLC, 55 3rd Ave @ E 11th St

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

To approve the application for an unenclosed sidewalk café permit for seven (7) tables and twenty-three (23) seats for Wagamama NY 55 3rd LLC, doing business as Wagamama, for the premises located at 55 Third Avenue, at the corner of East 11th Street 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 seven (7) tables and twenty-three (23) seats which will be located along the Third Avenue side of the business, and
- 2) its hours of operation will be 11:00 A.M. to 11:00 P.M. Sundays through Thursdays and 11:00 A.M. to 12:00 A.M. Fridays and Saturdays.

Alterations

12. Brigitte (ZVAH Inc), 37 Canal St (alt/op/add additional bar and seats to basement)
withdrawn

13. Loreley (Biergarten America Corp), 7 Rivington St btwn Chrystie St & Bowery (alt/op/extension of hours)

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

WHEREAS, Biergarten America Inc., doing business as Loreley Beer Garden, is seeking an alteration of its full on-premises liquor license for the premises located at 7 Rivington Street, between Chrystie Street and Bowery, New York, New York, to wit changing its hours of operation from 5:00 P.M. to 2:00 A.M. indoors all days to 12:00 P.M. to 2:00 A.M. Mondays through Wednesdays, 12:00 P.M. to 4:00 A.M. Thursdays and Fridays. 10:00 A.M. to 4:00 A.M. Saturdays and 10:00 A.M. to 2:00 A.M. Sundays; and

WHEREAS, the applicant is also asking that hours for the backyard be extended to 12:00 A.M. all days and that the basement be used by patrons with the addition of twenty-five (25) to thirty (30) seats, including a long bench, a flexible number of tables downstairs depending upon the party or event and a service bar; and

WHEREAS, this corporation was approved its full on-premises liquor license by Community Board 3 in April of 2003, understanding that it had entered into a memorandum of understanding regarding its method of operation with the Rivington Street Block Association; and

WHEREAS, this corporation was issued a full on-premises liquor license by the SLA on September 5, 2003; and

WHEREAS, the original method of operation of this applicant according to its application filed with the SLA is as a restaurant with food service and recorded music and its memorandum of understanding which has been adopted by the SLA reflects that it agreed to close its backyard at 10:00 P.M. weeknights and 11:00 P.M. on weekends and operate its backyard only as a sit-down dining area; and

WHEREAS, this location was heard by Community Board 3 for a one hundred percent (100%) corporate change to two (2) principals in January of 2018, because, although there had been no complaints within the past year, Community Board 3 had previously received persistent complaints from area residents of the backyard being operated outside of its method of operation and loud noise from patrons in the backyard, in that the business was hosting sports events broadcast from televisions mounted in the backyard and using the backyard for other than sit-down dining; and

WHEREAS, in January of 2018, Community Board 3 had learned by searching the webpage of the business and social media about the business that it appeared to operate with DJs and live music, 4:00 A.M. closing times on Fridays and Saturdays, 12:00 A.M. closing times all days in the backyard, and in the basement of its location although its plans indicated that its use was for storage; and

WHEREAS, its 2017 notice of renewal of its liquor license to the SLA includes notice that the business is only operated on the ground floor; and

WHEREAS, in January of 2018, the applicant stated to Community Board 3 that it closed the business no later than 2:00 A.M. all days, was unaware that it was required to close the backyard at 10:00 P.M. weeknights and 11:00 P.M. on weekends, would no longer host live performers, was unaware that its method of operation of the basement could not include patron use and did have a DJ booth in the basement but that DJs were only patrons plugging their own music into its sound system without access to the volume or base; and

WHEREAS, Community Board 3 informed the applicant that it would notify the SLA that the business appeared to be operating outside of its method of operation, that it should apply to the SLA to alter its business if necessary and asked that the SLA enforce its method of operation; and

WHEREAS, the principals who applied for the corporate change, one of whom has been the acting general manager of this business since 2011, have now appeared and tendered this alteration application for the existing corporation; and

WHEREAS, the applicant furnished petition signatures, eighty (80) of which are from area residents, and three (3) area residents appeared in support of its application, citing the benefit of this business to the block; and

WHEREAS, given its longstanding history in the community, Community Board 3 would approve an extension of the Thursday through Saturday hours of operation indoors and ratify use of the basement party event room; and

WHEREAS, Community Board 3 cannot approve use of the backyard to 12:00 A.M. all days but would approve the backyard closing at 11:00 P.M. all days; now

THEREFORE BE IT RESOLVED that Community Board 3 moves to deny the application for an alteration of the full on-premises liquor license for Biergarten America Corp., doing business as Loreley Beer Garden, for the premises located at 7 Rivington Street, between Orchard Street and Ludlow Street, to wit extending its closing hours to 4:00 A.M. Thursdays through Saturdays, extending the closing hours of its backyard to 11:00 P.M. all days and expanding its business to a basement party event space, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service restaurant, to wit a German American beer garden, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation indoors will be 12:00 P.M. to 2:00 A.M. Mondays through Wednesdays, 12:00 P.M. to 4:00 A.M. Thursdays and Fridays, 10:00 A.M. to 4:00 A.M. Saturdays and 10:00 A.M. to 2:00 A.M. Sundays,
- 3) its hours of operation in its backyard will be 12:00 P.M. to 11:00 P.M. Mondays through Fridays and 10:00 A.M. to 11:00 P.M. Saturdays and Sundays,
- 4) it will employ security guards Wednesdays through Saturdays and other days as 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 will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged and will have no more than twenty (20) private parties per year during which the entire business would close to the public,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it may have "happy hours" to 7:00 P.M. Mondays, Tuesdays and Thursdays through Saturdays and to 10:00 P.M. Wednesdays and Sundays,
- 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.

New Liquor License Applications

14. Loreley (Rivington Beer Garden LLC), 7 Rivington St btwn Orchard & Ludlow Sts (op)

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

WHEREAS, Rivington Beer Garden LLC, with a proposed business name of Loreley Beer Garden, is seeking a full on-premises liquor license for the premises located at 7 Rivington Street, between Chrystie Street and Bowery, New York, New York; and

WHEREAS, this is an application for a German American restaurant and bar with a certificate of occupancy of one hundred seventy-eight (178) people with dining on the ground floor and in the backyard and a reservation only event party room in the basement, twenty-one (21) tables and ninety-eight (98) seats, with thirteen (13) dining tables, four (4) to five (5) high top tables and nine (9) to ten (10) stools with a total of seventy (70) seats upstairs, twenty-five (25) to thirty (30) seats, including a long bench, with a flexible number of tables downstairs and nine (9) tables and forty-five (45) seats in its backyard, a fifteen (15) foot bar on the first floor and a six (6) foot bar in the basement with a total of fifteen (15) stools, hours of operation of 12:00 P.M. to 2:00 A.M. Mondays through Wednesdays, 12:00 P.M. to 4:00 A.M. Thursdays and Fridays. 10:00 A.M. to 4:00 A.M. Saturdays and 10:00 A.M. to 2:00 A.M. Sundays indoors and 12:00 P.M. to 12:00 A.M. Mondays through Fridays and 10:00 A.M. to 12:00 A.M. Saturdays and Sundays, a kitchen open all hours, ten (10) televisions and three (3) projectors, recorded background music, no promoted events, scheduled performances or events with cover fees, one (1) to two (2) security guards Thursdays through Saturdays and happy hours to 7:00 P.M. Mondays, Tuesdays and Thursdays through Saturdays and to 10:00 P.M. Wednesdays and Sundays; and

WHEREAS, this corporation was approved its full on-premises liquor license by Community Board 3 in April of 2003, understanding that it had entered into a memorandum of understanding regarding its method of operation with the Rivington Street Block Association; and

WHEREAS, this corporation was issued a full on-premises liquor license by the SLA on September 5, 2003; and

WHEREAS, the original method of operation of this applicant according to its application filed with the SLA is as a restaurant with food service and recorded music and its memorandum of understanding which has been adopted by the SLA reflects that it agreed to close its backyard at 10:00 P.M. weeknights and 11:00 P.M. on weekends and operate its backyard only as a sit-down dining area; and

WHEREAS, this location was heard by Community Board 3 for a one hundred percent (100%) corporate change in January of 2018 to the same two (2) principals now appearing, because, although there had been no complaints within the past year, Community Board 3 had previously received persistent complaints from area residents of the backyard being operated outside of its method of operation and loud noise from patrons in the backyard, in that the business was hosting sports events broadcast from televisions mounted in the backyard and using the backyard for other than sit-down dining; and

WHEREAS, one of the new principals has worked at the business in some capacity since 2009 and has been the general manager of the business since 2011; and

WHEREAS, in January of 2018, Community Board 3 had learned by searching the webpage of the business and social media about the business that it appeared to operate with DJs and live music, 4:00 A.M. closing times on Fridays and Saturdays, 12:00 A.M. closing times all days in the backyard, and in the basement of its location although its plans indicated that its use was for storage; and

WHEREAS, its 2017 notice of renewal of its liquor license to the SLA includes notice that the business is only operated on the ground floor; and

WHEREAS, in January of 2018. the applicant stated to Community Board 3 that it closed the business no later than 2:00 A.M. all days, was unaware that it was required to close the backyard at 10:00 P.M. weeknights and 11:00 P.M. on weekends, would no longer host live performers, was unaware that its method of operation of the basement could not include patron use and did have a DJ booth in the basement but that DJs were only patrons plugging their own music into its sound system without access to the volume or base; and

WHEREAS, Community Board 3 informed the applicant that it would notify the SLA that the business appeared to be operating outside of its method of operation, that it should apply to the SLA to alter its business if necessary and asked that the SLA enforce its method of operation; and

WHEREAS, the principals who applied for the corporate change have now appeared and tendered this new application which includes extended hours of operation inside and outside and use of the basement as an event party room; and

WHEREAS, the applicant furnished petition signatures, eighty (80) of which are from area residents, and three (3) area residents appeared in support of its application, citing the benefit of this business to the block; and

WHEREAS, there are sixteen (16) full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

WHEREAS, given its longstanding history in the community, Community Board 3 would approve this application with later closing times Thursday through Saturday hours of operation indoors and use of the basement as a party event room; and

WHEREAS, Community Board 3 cannot approve use of the backyard to 12:00 A.M. all days but would approve the backyard closing at 11:00 P.M. all days; now

THEREFORE BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premises liquor license for Rivington Beer Garden LLC, with a proposed business name of Loreley Beer Garden, for the premises located at 7 Rivington Street, between Orchard 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 full-service restaurant, to wit a German American beer garden, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation indoors will be 12:00 P.M. to 2:00 A.M. Mondays through Wednesdays, 12:00 P.M. to 4:00 A.M. Thursdays and Fridays, 10:00 A.M. to 4:00 A.M. Saturdays and 10:00 A.M. to 2:00 A.M. Sundays,
- 3) its hours of operation in its backyard will be 12:00 P.M. to 11:00 P.M. Mondays through Fridays and 10:00 A.M. to 11:00 P.M. Saturdays and Sundays,
- 4) it will employ security guards Wednesdays through Saturdays and other days as 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 will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged and will have no more than twenty (20) private parties per year during which the entire business would close to the public,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it may have "happy hours" to 7:00 P.M. Mondays, Tuesdays and Thursdays through Saturdays and to 10:00 P.M. Wednesdays and Sundays,
- 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. Salut  (Hexillion Lounge LLC), 214 E 9th St btwn 2nd & 3rd Aves (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Hexillion Lounge LLC has applied for a full on-premises liquor license for the premises located at 214 East 9th Street, between Second Avenue and Third Avenue, New York, New York; and

WHEREAS, this applicant is seeking to operate a cocktail lounge with no listed certificate of occupancy, nine (9) tables and fifty (50) seats, a twelve (12) foot bar with five (5) stools and a fifteen (15) foot bar with eleven (11) stools, hours of operation of 5:00 P.M. to 2:00 A.M. Sundays through Wednesdays and 5:00 P.M. to 4:00 A.M. Thursdays through Saturdays, a prep area serving a limited menu during all hours of operation, recorded background music, security during all hours of operation, happy hours to 7:00 P.M. and no agreement not to host pub crawls or party buses or to have no wait lines; and

WHEREAS, the applicant has stated that it is proposing to have a speakeasy bar which would be hidden behind an ice cream shop; and

WHEREAS, this location is residentially zoned, is currently unlicensed and previously housed a longstanding restaurant which operated with moderate hours and a wine beer license; and

WHEREAS, there are thirty (30) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but there are thirty-five (35) full on-premises liquor licenses per the SLA LAMP map; and

WHEREAS, the applicant has stated that the public benefit in the approval of a full on-premises liquor license is that this location will be a speakeasy bar whose drinks will be focused around tea; and

WHEREAS, the applicant has no experience operating a licensed business; and

WHEREAS, the applicant failed to demonstrate community support for this application, in that it furnished only fifteen (15) petition signatures in support of its application; and

WHEREAS, there have been complaints within the past month to Community Board 3 that two licensed businesses on the same side of the block as this location create substantial patron crowding and noise to the extent that passersby have to walk in the street to avoid crowds on the sidewalk and the already congested street cannot absorb the addition of another licensed business; and

WHEREAS, this area of the district has numerous speakeasy bars and has a bar located on the same street which provides tea-focused drinks; and

WHEREAS, Community Board 3 finds insufficient public benefit in approving an application for a full on-premises liquor license for a bar on a residentially zoned side street, within close proximity to numerous full on-premises liquor licenses, in an area well-served with similar businesses and given the complaints about patron congestion and noise from the existing licensed businesses on this block; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premises liquor license for Hexillion Lounge LLC, with a proposed business name of Salute, for the premises located at 214 East 9th Street, between Second Avenue and Third Avenue, New York, New York.

16. Chibaola Inc, 152 2nd Ave (upgrade to op)
withdrawn

17. Lotus Grand LLC, 324 Grand St btwn Orchard & Ludlow Sts (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Art Trummer LLC has applied for a full on-premises liquor license for the premises located at 324 Grand Street, between Orchard Street and Ludlow Street, New York, New York; and

WHEREAS, this applicant is seeking to operate a cocktail lounge with a certificate of occupancy of seventy-four (74) people, ten (10) tables and forty (40) seats consisting of lounge seating, a twenty (20) foot bar with twenty (20) stools, hours of operation of 5:00 P.M. to 2:00 A.M. Mondays through Saturdays, a prep area serving "finger food" and open to within two (2) hours of closing, recorded and live music and DJs at entertainment levels, no security, no traffic or pedestrian plan, existing soundproofing and no agreement to have staff oversee noise and congestion outside; and

WHEREAS, this is a previously unlicensed location and a newly constructed building; and

WHEREAS, there are seventeen (17) full on-premises liquor licenses and two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

WHEREAS, the applicant has stated that the public benefit in the approval of a full on-premises liquor license is that this location will serve "reasonably priced handcrafted cocktails" and showcase art and art events and because the applicant has fifteen (15) years' s experience operating licensed businesses and has operated licensed businesses in the city for ten (10) years; and

WHEREAS, a representative of the Orchard Street Block Association spoke and submitted a letter in opposition to this application, stating that a cocktail lounge with a snack menu opening at 5:00 P.M. would not be in the public interest, the location is unlicensed, the applicant has had a history of a

2010 arrest for reckless endangerment for starting a fire, as well as violations for overcrowding and lack of fire safety, at Apotheke, a bar located at 9 Doyers Street, New York, New York, and this location is across the street from a three-story pre-kindergarten school, that being Victoria Children's Center Universal Pre-K, which is located at 323 Grand Street; and

WHEREAS, four (4) area residents submitted letters and one (1) resident appeared in opposition, all stating that this is an application for full on-premises liquor license in an unlicensed location and for a cocktail lounge in an area well-served by drinking establishment; and

WHEREAS, one (1) resident appeared in support of this application and the applicant furnished petition signatures in support of its application, forty (40) of which were from area residents and ten (10) of which are the residential tenants of this new building; and

WHEREAS, in addition to operation of the business located at 9 Doyers Street which ceased after his arrest, the applicant is presently operating Sanatorium, a licensed business located at 14 Avenue C, which Community Board 3 approved given that 14 Avenue C was not within five hundred (500) feet of three (3) or more full on-premises liquor licenses and to which the SLA issued its license on May 18, 2016; and

WHEREAS, within the past year, Sanatorium has received seventy-eight (78) 311 calls for noise complaints, thirty-six (36) of which occurred between 10:00 P.M and 12:00 A.M. and forty-two (42) of which occurred between 12:00 A.M. and 4:00 A.M., and of those seventy-eight (78) calls, forty-four (44) required that the police respond and take action; and

WHEREAS, Community Board 3 finds insufficient public benefit in approving an application for a full on-premises liquor license for a bar with DJs and live music at entertainment levels, late night hours and a limited menu given that the location has never been licensed, is within close proximity to numerous full on-premises liquor licenses and similar drinking establishments and given the negative history of the applicant in this community; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premises liquor license for Art Trummer LLC, for the premises located at 324 Grand Street, between Orchard Street and Ludlow Street, New York, New York.

18. To be Determined, 41-43 E 7th St btwn 2nd Ave & Cooper Sq (op)

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

WHEREAS, a corporation to be determined, with principals James Carbone and Graham Winton, is applying for a full on-premises liquor license to operate a restaurant bar in the premises located at 41-43 East 7th Street, between Second Avenue and Cooper Square, New York, New York; and

WHEREAS, this is an application for a pizza restaurant and bar with a certificate of occupancy of seventy-four (74) people, twelve (12) tables and fifty-seven (57) seats, a fifteen (15) foot bar with eight (8) stools, hours of operation of 12:00 P.M. to 2:00 A.M. Sundays, 4:00 P.M. to 2:00 A.M. Mondays and Tuesdays, 4:00 P.M. to 4:00 A.M. Wednesdays through Fridays and 12:00 P.M. to 4:00 A.M. Saturdays, a kitchen open to within two (2) hours of closing, a closed façade, three (3) televisions, recorded background music and no wait lines; and

WHEREAS, James Carbone, one of the two principals, has operated the existing business at this location since 2005 and with a full on-premises liquor license since 2015; and

WHEREAS, James Carbone is adding Graham Winton as a principal to his business who has experience operating a business with a wine beer license at located at 7 Clinton Street since 2015; and

WHEREAS, James Carbone has a longstanding history of activism in this community which includes helping to organize local businesses and working on historical and preservation issues in this district; and

WHEREAS, notwithstanding the numerous full on-premises liquor licenses within five hundred (500) feet of this location, numerous local community organizations and residents support James Carbone in his efforts to continue to operate a business as this location; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premises liquor license for a corporation to be determined, with principals James Carbone and

Graham Winton, for the premises located at 41-43 East 7th Street, between Second Avenue and Cooper Square, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service pizza restaurant and bar, with a kitchen open and serving food to within two (2) hours of closing,
- 2) its hours of operation will be 12:00 P.M. to 2:00 A.M. Sundays, 4:00 P.M. to 2:00 A.M. Mondays and Tuesdays, 4:00 P.M. to 4:00 A.M. Wednesdays through Fridays and 12:00 P.M. to 4:00 A.M. Saturdays,
- 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 DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged and may have no more than six (6) private parties per year during which the entire business would close to the public,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will insure that there are no wait lines outside,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

19. Hippoe Holdings LLC, 36 Allen St btwn Hester & Canal Sts (op)
withdrawn

20. Bar Bacon LLC, 127 4th Ave btwn E 12th & E 13th 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 Bar Bacon LLC for the premises located at 127 Fourth Avenue, between East 12th Street and East 13th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service restaurant, to wit a bacon-focused gastropub, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 2:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will employ security guards Wednesdays through Saturdays,
- 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 will not have DJs, live music, 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 may have "happy hours" to 7:00 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

Community Board 3 is approving this application for a full on-premises liquor license although this location is in an area with numerous full on-premises liquor licenses within five hundred (500) feet of this location because 1) this is an application for a restaurant with a full on-premises liquor license in a location which had operated as a restaurant and bar with a full on-premises liquor license, 2) the applicant has operated the same business at 832-836 Ninth Avenue, New York, New York, without complaints or violations and with a full on-premises liquor license since 2013, 3) the applicant agreed to close the business at 2:00 A.M. all days, and 4) the applicant provided substantial support for its application, in that it furnished petition signatures, sixty-five (65) of which were from area residents.

21. Noree Thai Bazaar Inc, 274 Grand St btwn Forsyth & Eldridge 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 Noree Thai Bazaar Inc. for the premises located at 274 Grand Street, between Forsyth Street and Eldridge Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service Thai 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 11:00 P.M. Sundays through Wednesdays and 11:00 P.M. to 12:00 A.M. Thursdays through Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it 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 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 although this is a location in an area with three (3) or more full on-premises liquor licenses within five hundred (500) feet of this location because 1) the applicant is proposing to operate a full-service Thai restaurant with moderate hours, including daytime hours, 2) the applicant has operated a restaurant at 104 John Street, New York, New York, with a full on-premises liquor license since November of 2010 and a restaurant at 64 Murray Street, New York, New York, with a full on-premises liquor license since May of 2015, and 4) the applicant provided substantial support for its application, in that it furnished petition signatures, forty-seven (47) of which were from area residents.

22. Ikinari Steakhouse (Kuni's Corporation), 90 E 10th St (upgrade to op)
withdrawn

23. New York Comedy Club on 4th Street (I Like Sit Down Comedy LLC), 85 E 4th St btwn 2nd Ave & Cooper Sq (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 New York Comedy Club on 4th Street, with a proposed business name of New York Comedy Club, for the premises located at 85 East 4th Street, between Second Avenue and Cooper Square, 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 comedy club hosting comedy performances and serving food during all hours of operation and will have no more than two (2) scheduled evening shows Sundays through Thursdays and no more than three (3) scheduled evening shows Fridays and Saturdays but may have an additional daytime performance Saturdays and Sundays,
- 2) it will serve alcohol only to patrons who have purchased tickets to shows,
- 3) its hours of operation will be 4:00 P.M. to 1:00 A.M. Sundays, 6:00 P.M. to 1:00 A.M. Mondays through Wednesdays, 6:00 P.M. to 2:00 A.M. Thursdays and Fridays and 4:00 P.M. to 2:00 A.M. Saturdays,
- 4) it will not commercially operate any outdoor areas,
- 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 install additional soundproofing,
- 7) it will play ambient background music only, consisting of recorded music, and will not have DJs or live music but will have promoted events, scheduled performances and events at which a cover fee may be charged provided those are only for comedy performances,
- 8) it will employ one (1) to two (2) security guards all days to monitor the front door, control sidewalk congestion and minimize patrons on the sidewalk by directing them to the interior waiting area,

- 9) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 10) it will not have "happy hours,"
- 11) it will not host pub crawls or party buses,
- 12) it will not have unlimited drink specials,
- 13) it will designate an employee to oversee patrons and noise on the sidewalk,
- 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

Community Board 3 is approving this application for a full on-premises liquor license although this location is in an area with numerous full on-premises liquor licenses because 1) this applicant has operated an existing comedy club at 241 East 24th Street, New York, New York since 2014 and is seeking to operate the same business at this location, 2) this premises has housed a comedy club since 2008 which has had a full on-premises liquor license since 2011 and is located on a block which, although residentially zoned, has been designated by the city as an arts block, 3) the is intending to have an interior waiting area to minimize the number of people waiting outside, and 4) this applicant furnished sixty-four (64 petition signatures from area residents in support of its application.

Hotel Applications

24. Citizen M Bowery (OSIB Bowery Street Operator LLC), 189 Bowery (op)
withdrawn
25. Holiday Inn (SC Delancey LLC), 148-150 Delancey St (alt/hl/extend hotel license to cover entire premises, extend restaurant hours, DJ in the cellar restaurant, karaoke in the cellar restaurant, juke box, 3 piece live music in the cellar restaurant, add the upstairs café [half of Verizon store])
withdrawn

Items not heard at Committee

26. Milk and Hops (Astoria Grocery Inc), 63 E 9th St (b)
no vote necessary
27. 886 (Tasty Taiwan LLC), 26 St Marks Pl (wb)
no vote necessary
28. Dan and John's Wings (Dan and John's LLC), 135 1st Ave (wb)
no vote necessary
29. Szechuan Mountain House (Szechuan Mountain House Inc), 19-23 St Marks Pl (wb)
no vote necessary
- Vote to adjourn
approved by committee

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Transportation, Public Safety, & Environment Committee

1. Approval of previous month's minutes
approved by committee
2. Two Bridges Weekend Walk: Catherine Street, btwn East Broadway / Madison St, Sat, Sept 8 & Oct 6
VOTE: TITLE: Approval of Sept 8 and Oct 6 Weekend Walk by Two Bridges on Catherine St between East Broadway and Madison St

WHEREAS, Two Bridges Neighborhood Council will be hosting its annual "Move and Meet" on Saturday, September 8, 2018 from 10-4 pm and on Saturday, October 6, 2018 from 5-9 pm on Catherine Street, between East Broadway and Madison St. They are relocating this event to Catherine St this year to engage a larger pool of small businesses in their Neighborhood program, schools and residents; and

WHEREAS, This event will be a Weekend Walk, so the streets would be closed during the event hours; now

THEREFORE, BE IT RESOLVED, that CB3-Manhattan approves of the Sept 8 and Oct 6 Weekend Walk by Two Bridges Neighborhood Council on Catherine St between East Broadway and Madison St.

3. Presentation by MTA & NYC DOT on the plans for the coming L train Canarsie Tunnel shutdown
no vote necessary
4. Vote to adjourn
approved by committee

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Parks, Recreation, Cultural Affairs, & Waterfront Committee

1. Approval of previous month's minutes
approved by committee
2. Presentation on the temporary public artwork *He Thought This was Going to be a Year of Good Fortune* by Artists Gillie & Marc, presented by the Chinatown Partnership, for Kimlau Square, Feb 2018 – Jan 2019
no vote necessary
3. Report on new programming and upcoming events at the Hamilton Fish Recreation Center
no vote necessary
4. Report from Arts & Cultural Affairs Subcommittee
no vote necessary
5. Vote to adjourn
approved by committee

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Vote to adjourn

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

David Adams	[P]	Ryan Gilliam	[P]	Robert Magliaro	[A]
Yaron Altman	[P]	Debra Glass	[P]	Jeremy Markman	[P]
Dominic Berg	[P]	Herman F. Hewitt	[P]	Alexandra Militano	[P]
Lee Berman	[P]	Trever Holland	[P]	Nancy Ortiz	[P]
Karen Blatt	[P]	Linda Jones	[P]	Carolyn Ratcliffe	[P]
Lisa Burriss	[A]	Vaylateena Jones	[P]	Joyce Ravitz	[A]
Karlin Chan	[P]	Marnie Ann Joyce	[A]	Damaris Reyes	[P]
Jonathan Chu	[A]	Meghan Joye	[P]	Richard F. Ropiak	[P]
MyPhuong Chung	[P]	Lisa Kaplan	[P]	Robin Schatell	[P]
David Crane	[P]	Carol Kostik	[A]	Laryssa Shainberg	[P]
Enrique Cruz	[P]	Mae Lee	[P]	Clint Smeltzer	[P]
Eric Diaz	[P]	Veronica Leventhal	[P]	Nancy Sparrow-Bartow	[P]
Dean Diongson	[P]	Alysha Lewis-Coleman	[P]	Josephine Velez	[P]
Alistair Economakis	[A]	Gigi Li	[A]	Rodney Washington	[P]
Shirley Fennessey	[A]	Luis Lopez	[P]	Kathleen Webster	[P]
David Ford	[P]	Mei Lum	[A]		

Meeting Adjourned