



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

September 2018 Full Board Minutes

Meeting of Community Board 3 held on Wednesday, September 26, 2018 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

Crystal Field – representing the Theater for the New City Is against the garbage trucks parking on 10th street. The organization plans to close the street down for their annual Halloween event and is concerned they may not be able to this year.

Michelle Lang – representing the New Theater Building is against the garbage trucks parking on 10th street. Her lobby smells like diesel fuel and garbage. Walking out of her building presents a 15 foot wall of garbage trucks, parked inches apart from each other. Is greatly concerned for her safety as fire trucks and EMT cannot reach the buildings with several garbage trucks blocking fire hydrants. Greatly concerned for small business.

Avi Burabaum – representing the East Village Hospitality is also a small business owner on the same block of the parked trucks. Is concerned that criminal activities may increase due to the blind spot this wall of garbage trucks form. There is legitimate concern regarding the viability of his and other small businesses whose clientele are being driven away from their businesses due to the trucks. It has been two weeks already with these parked trucks.

Jean Standish – representing Bowery Alliance of Neighbors is against the Tech Hub ULURP. She feels councilwoman Rivera failed the concerns of her neighbors who wanted certain buildings to be protected by a rezoning.

Harry Bubbins – representing the GVSHP organization and is disappointed in the final Tech Hub deal. He believes what the neighborhood wanted and the Community Board resolution was not followed. He believes the CB3 did not make clearly in the deal the requirement for rezoning resolution.

Ryan Gillam – representing FABNYC announcing LES Arts Weekend October 20th and 21st

Wendy Li – representing Wendy Li for Civil Court and is advocating for building repairs and NYCHA updates.

Karlin Chan – has organized a rally at 4pm at police plaza to oppose the jail proposed by Mayors office.

Olympia Kazi – representing NYC Artist Coalition announcing Nightlife LES Tour on October 2nd to November 5th. It is foundon the Mayors office for nightlife entertainment.

Laura Sewell – representing EVCE Announcing the Small Business Fair co sponsored by CB3. The fair will take place at 273 Broadway 9am – 12pm.

Vanessa Puzio – Supervising attorney at the District Attorney's office. She is announcing new initiatives such as sex crimes which can be contacted at 212 335-9373. Workshops can be used at different venues across the community board.

Public Officials:

Mayor Bill de Blasio, Gabrielle Dann-Allel:

Public Advocate Letitia James, Adam Chen:

Adam Chen announced the Charter revision meeting at 6pm at City Hall.

Comptroller Scott Stringer, Michael Stinson:

Borough President Gale Brewer, Jessica Minks:

Jessica Minks reported on being present at the rally at Boys Club this Saturday. During the L train shutdown there needs to be a cap on permits DOT can provide to reduce congestion. Manhattan Borough president has advocated for an app to inform residents of DOT updates. Also advocated for a universal transportation website/app. Two hearings will be held tomorrow night: 1. the 2019 charter revision commission hearing (involving community boards and other infrastructure systems) at City Hall and 2. Scoping hearing for the borough based jail (detention facilities) at the Municipal building.

Congressmember Nydia Velazquez, Iris Quinones:

Congressmember Carolyn Maloney, Victor Montesinos:

Assemblymember Yuh-Line Niou, Rebecca Ou:

Monica from Assemblymember Yuhline's office, 9/11 bill was introduced to assist victims. Requesting further community engagement with the Community Board regarding the detention center. 85 Bowery tenants have returned home – an issue the assemblywoman was front and center in.

Assemblymember Deborah J. Glick, Charlie Anderson:

Assemblymember Deborah J. Glick spoke regarding ballot elections. She advocates for zero term limits on Community Board membership believing it makes the board "open for grabs" for developers and special interests if those CB members having expertise and institutional knowledge were to be termed out. She announced a flu shot event happening later this week. Assemblywoman Glick rebukes the DOT Sanitation department for leaving parked garbage trucks outside residential and small businesses on 10th street calling it incompetence and disgraceful.

Assemblymember Harvey Epstein, Mike Schweinsburg:

Assemblymember Harvey Epstein spoke regarding the 10th street garbage trucks parked outside residential buildings. Assemblymember announced the advocacy against the L train shutdown and its effects on the community, calling community meetings for DOT and MTA. Assemblymember Epstein announced the hosting of the rally against selling the Boys Club building.

State Senator Brian Kavanagh, Venus Galarza-Mullins:

Provided State Senator report. Advocated for the closure of Rikers Island.

State Senator Brad M. Hoylman, Caroline Wekselbaum:

State Senator Brad M. Hoylman spoke and assured the Board that he is joining the Councilwoman Rivera and CB3 to move the garbage trucks from the residential street on 10th street. Announced an OPED written by himself to advocate to DOT to use non emission vehicles to replace diesel trucks along 14th street – advocating renewable natural gas. Is hosting a rally at Boys Club to advocate against the selling of the building – there needs to be a meeting with the community. Senator Hoylman believes the standpoint Boys Club has held that there is no longer a need is false.

Councilmember Margaret Chin, Marian Guerra:

Marian Guerra announced a townhall for the detention center. Councilwoman is aware of the garbage trucks issue in District 1 and District 2. Councilwoman has introduced legislation to left the longstanding cap on vending licenses and street advisory board – all to address the illegal transfer of vending licenses and reinforce rules and regulations.

Councilmember Carlina Rivera, Sheila Rodriguez:

Councilmember Carlina Rivera opened up regarding the parked sanitation trucks, feeling outrage that community board and the residents and elected officials did not receive notification. She has a meeting with DOT this Monday and community board 3 on this matter. She promises to find the quickest and best solution possible. Participatory budget meetings announced. Seminar on local government policies at Tompkins Square library. Announced extra garbage pick-ups and bike lanes opening up. L train forum update. Last meeting with the Tech Hub was held. Meeting with the Landmarks dept.

Members Present at First Vote:

David Adams	[P]	Dean Diongson	[P]	Michael Marino	[A]
Yaron Altman	[P]	Alistair Economakis	[P]	Jeremy Markman	[P]
Jesse Beck	[P]	Shirley Fennessey	[P]	Antonio Martinez	[P]
Dominic Berg	[A]	David Ford	[P]	Alexandra Militano	[P]
Lee Berman	[P]	Ryan Gilliam	[P]	Nancy Ortiz	[P]
Victoria Berrios	[P]	Debra Glass	[P]	Carolyn Ratcliffe	[P]
Karen Blatt	[A]	Herman F. Hewitt	[P]	Damaris Reyes	[A]
Lisa Burriss	[A]	Trever Holland	[P]	Richard F. Ropiak	[A]
Karlin Chan	[P]	Linda Jones	[P]	Robin Schatell	[P]
Jonathan Chu	[P]	Vaylateena Jones	[P]	Laryssa Shainberg	[A]
MyPhuong Chung	[P]	Meghan Joye	[P]	Clint Smeltzer	[P]
David Crane	[P]	Lisa Kaplan	[P]	Anisha Steephen	[A]
Nina d'Alessandro	[A]	Olympia Kazi	[P]	Sandra Strother	[P]
Je'Jae Daniels	[A]	Joseph Kerns	[P]	Josephine Velez	[A]
Paul DeRenzo	[A]	Mae Lee	[P]	Rodney Washington	[A]
Eric Diaz	[P]	Alysha Lewis-Coleman	[P]	Kathleen Webster	[P]
Daniel Dickson	[P]	Luis Lopez	[P]		

Minutes:

Minutes of June 2018 were approved, as is.

36 YES 0 NO 1 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Alysha Lewis-Coleman

Encouraged all members to speak with new members to become familiar with the process. Baruch bathhouse in Agenda for October, meeting briefly over the course of 3-4 meetings with the parks department. The meeting will be in the back of 605 FDR drive on October 22nd 6:30pm. Charter Revision Task Force chaired by David Ford. Alysha Coleman will be co-chair of the Detention Center taskforce at Municipal Building. The Two Bridges Towers proposal announced for October 17th at 10am 120 Broadway.

District Manager's Report:

District Manager Susan Stetzer

Advocating for answers from the DOT regarding the garbage trucks parked on 10th street. The lease issue for DOT was an issue happening for a long time regarding Community Board 6 and Community Board 8 garages. The statement from DOT was that it is critical for DOT to park these trucks near the area of service. District Manager will be forwarding all complaints and correspondence to Manhattan Borough President Office. District Manager was told temporary to mean 1 year to 3 years. The meeting on Monday will bring back concrete information. The Mayor's office responds that he was unaware of this issue. Announced the participatory budget meeting at the CB3 office.

Committee Reports:

Executive Committee

no vote necessary

Land Use, Zoning, Public & Private Housing Committee

1. Approval of previous month's minutes
approved by committee
2. Borough President / Councilmember: Presentation on Text Amendment requiring Special Permit to modify Two Bridges LSRD

VOTE: TITLE: Support for Council Member Chin and Manhattan Borough President Brewer's Text Amendment requiring a special permit to modify the Two Bridges Large Scale Residential Development (LSRD)

WHEREAS, Council Member Margaret Chin and Manhattan Borough President Gale Brewer have filed an amendment to the New York City Zoning Resolution concerning Article VII, Chapter 8 (Special Regulations Applying to Large-Scale Residential Developments); and

WHEREAS, the proposed zoning text amendment includes a provision requiring a special permit for modifications to the existing Two Bridges LSRD in Manhattan Community District 3; and

WHEREAS, the requirement of a special permit for modifications to the Two Bridges LSRD would ensure that proposed changes to the underlying site planning and zoning controls that govern the LSRD would go through Uniform Land Use Review Procedures (ULURP), and be subject to review by the public, Community Board 3, the Manhattan Borough President, as well as review and approval by the New York City Council; and

WHEREAS, at this time, current proposals to modify the Two Bridges LSRD are being reviewed which would facilitate an unprecedented scale of construction and introduce a large volume of market-rate residential units, with the potential for adverse impacts that would alter the LSRD and surrounding areas permanently; and

WHEREAS, these proposals have required only one public hearing and are not subject to mandated review by the local elected officials who represent the area; and

WHEREAS, the historical objectives of the land use controls in the area, including the Two Bridges Urban Renewal Plan (TBURP) and the Two Bridges LSRD, have facilitated and ensured residential affordability and diversity in the area, as well as access to public open space, light, and air; and

WHEREAS, the Council Member and Borough President's proposed text amendment would not only ensure robust public review of modifications to the Two Bridges LSRD, but would also require

developments and enlargements within the LSRD to comply with Mandatory Inclusionary Housing (MIH) affordability provisions and provide on-site public amenities that benefit the local community;

THEREFORE BE IT RESOLVED, Community Board 3 supports the zoning text amendment being proposed by Council Member Chin and Borough President Brewer; and

THEREFORE BE IT FURTHER RESOLVED, Community Board 3 urges the Department of City Planning to consider this land use application in a timely manner.

3. CB 3 response to Two Bridges LSRD Minor Modifications

VOTE: TITLE: Deny Approval of the Proposed Minor Modifications to the Two Bridges Large Scale Residential Development (ULURP Nos: M 180507 C ZSM; M 180505 A ZSM; M 180506 B ZSM; N180498 ZCM)

Note: Items in *Italics* will not appear on final resolution

Project Description

WHEREAS, on June 25, 2018, three separate land use applications seeking minor modifications to the Two Bridges Large Scale Residential Development (LSRD) were referred to Community Board 3 Manhattan for review; and

WHEREAS, the land use applications for proposed actions at 247 Cherry Street, 259 Cherry Street, and 260 South Street were filed separately by applicants Cherry Street Owner LLC, LE1SUB LLC, and Two Bridges Associates, LP, respectively, but are being considered together for the purposes of both environmental review and community board review, as all three project sites are located within the Two Bridges LSRD and would be developed during the same construction period, and thus are considered to have cumulative impacts; and

WHEREAS, the proposed actions would facilitate the construction of four towers across three separate buildings with heights of 1,008 feet (80-stories), 798 feet (69-stories), 748 feet (62-stories), and 730 feet (62-stories); and

WHEREAS, the proposed projects would contain 2,527,727 gross square feet (gsf) of residential space spread across 2,775 new residential dwelling units (DUs); 10,858 gsf of retail space; 17,028 gsf of community facility space; and would introduce, conservatively, more than 5,800 new residents to the project area; and

WHEREAS, the proposed projects are extremely out of scale with the surrounding neighborhood and conflict with the objectives of the Two Bridges LSRD to insure better site planning and urban design that does not unduly increase bulk and density, alter open space access, adversely affect access to light and air, or create traffic congestion to the detriment of residents; and

WHEREAS, the proposal for a mere 25 percent affordable units does not sufficiently advance the projects' stated goal and purpose, and the introduction of an additional 2,081 market rate units and the substantial environmental impacts associated with these proposed actions would place such a burden on the community as to produce more severe and acute district needs, particularly in regard to residential affordability and heightened residential displacement pressure; and

Problems With Process and Timeline

WHEREAS, despite the scale and nearly unprecedented nature of these proposals, the applications have been designated as minor modifications to the underlying LSRD controls pursuant to a determination by then City Planning Commission (CPC) Chair Carl Weisbrod, in a letter dated August 11, 2016; and

WHEREAS, Community Board 3 previously and explicitly requested that the CPC better explain and justify its decision on how the minor modification determination was made, both in a letter to the Department of City Planning dated May 25, 2017 and at the public scoping meeting for the Two Bridges LSRD Environmental Impact Statement (EIS), held on May 25, 2017, and has yet to receive an adequate explanation; and

WHEREAS, without further explanation, and given the massive scale of development and potential for significant adverse impacts that the proposed modifications to the Two Bridges LSRD site plan would facilitate, it would appear that the proposed actions should in fact warrant a Special Permit, which

would ensure that the project would be subject to Uniform Land Use Review Procedure (ULURP) and provide the public with additional opportunity to review the proposed actions, as well as allow local elected officials to review them further and appropriately represent the interests of their constituents in the land use review process; and

WHEREAS, in a letter to Director of City Planning Marisa Lago dated June 21, 2018, Community Board 3 expressed concern with the project application process and public review timelines, as more than one year had passed between the close of the public scoping period for the Two Bridges LSRD EIS and the unexpected referral of project applications to the Community Board on June 25, 2018; and

WHEREAS, these unexpected referrals triggered a 60-day review period that coincided with the well-known community board recess that occurs annually in August, making sufficient community board and public review extremely challenging; and

WHEREAS, the CPC and Department of City Planning (DCP) ultimately acknowledged this issue and extended the review period through October 2018, this revised timeline nonetheless presented challenges for Community Board 3 and the public, as the review must take into consideration three separate land use applications and an unprecedented joint EIS of considerable size and technical detail; and

Lack of Public Review

WHEREAS, as non-ULURP actions, these applications are not subject to robust public review and are required to have only one public hearing, despite representing the largest scale development the Two Bridges LSRD and surrounding area has seen in nearly half a century; and

What CB 3 Heard at 8/14 Public Hearing

WHEREAS, due to the limited opportunities for public review, Community Board 3 voluntarily hosted a public hearing on August 14, 2018 to allow members of the community to voice their opinions on the proposed actions; and

WHEREAS, at this public hearing, more than 100 members of the public attended and more than 60 members of the public provided testimony opposing the land use applications, with only a single member of the public providing testimony in support of the project applications; and

Problems with DEIS findings

WHEREAS, the Two Bridges LSRD Draft Environmental Impact Statement (DEIS) was issued on June 22, 2018 and includes analysis, findings, and proposed mitigations that Community Board 3 considers inadequate; and

WHEREAS, a number of Community Board 3 requests made during the Two Bridges LSRD EIS Public Scoping period were left wholly unaddressed or insufficiently resolved upon issuance of the DEIS; and

WHEREAS, due to the inadequacy of the *City Environmental Quality Review (CEQR) Technical Manual* guidelines, a number of significant environmental impacts are under-measured in the DEIS; and

WHEREAS, even in instances where significant adverse impacts are identified in the DEIS, a number of these impacts are inexplicably left unmitigated; and

WHEREAS, several proposed mitigations that have been identified thus far nonetheless appear insufficient in being able to offset the significant adverse impacts the proposed actions would generate; and

WHEREAS, a number of potential additional mitigations that are being considered are having details withheld until the completion of the Final Environmental Impact Statement (FEIS), barring them from sufficient public review; and

Non-compliance with LSRD Objectives

WHEREAS, under the terms of the now-expired Two Bridges Urban Renewal Plan (TBURP) and the active Two Bridges LSRD, the area has been, since 1961, governed by regulations requiring the provision of low- and middle-income housing and site planning to facilitate the best possible housing

environment, requiring the distribution of bulk and open space to create a better design for the LSRD and surrounding neighborhood than would otherwise be possible; and

Not Enough Affordability

WHEREAS, the project applications would likely facilitate the construction of up to 694 affordable residential dwelling units (DUs), it remains unknown at what affordability levels these DUs will be made available and how long the terms of their affordability will remain in place for; and

WHEREAS, the affordability program that would likely be applied to these projects, 421-a Tax Exemption - Option E, would set affordability levels at income thresholds that are higher than the existing median household income in the Two Bridges area, which is currently \$30,771 for a household of three, or roughly 30% of the Area Median Income (AMI) for the New York City region, making even the affordable units the proposed actions would generate inaccessible for the majority of current area residents; and

WHEREAS, despite the introduction of 694 "affordable" units to the Two Bridges LSRD, the proposed actions would likely be unable to meet the growing local need for deeply affordable, high-quality housing, and would also introduce 2,081 DUs of market-rate housing to an area that has historically consisted of primarily rent regulated housing; and

Concerns with Residential Displacement

WHEREAS, Community District 3 already has the second highest income disparity—the gap between our lowest income and highest income residents—of all Community Districts in New York City; and

WHEREAS, given that both the affordable and market-rate units the proposed actions would generate would be unaffordable for the majority of current area residents, it is likely that the proposed actions would heighten the risk for residential displacement; and

WHEREAS, for both fiscal years 2019 and 2020, Community Board 3 identified the need for affordable housing and the growing risk of residential displacement as issues of premier importance in Community District 3 when creating annual District Needs Statements; and

WHEREAS, local not-for-profit Henry Street Settlement, after conducting a number of focus groups and hosting an annual town hall meeting in October 2017 to identify Lower East Side residents' primary concerns, similarly found that residents "fear being displaced from the neighborhood due to rising rents, insufficient affordable housing, and a rising cost of living" and that "new developments are extremely expensive and cater to wealthy newcomers," with affordable units being "too few—and too costly"¹; and

Concerns with Business Displacement

WHEREAS, the changing demographics generated by the proposed actions are likely to affect retail and small businesses in the area that currently respond to local residents' needs, including culturally and linguistically appropriate businesses that cater to linguistically isolated populations nearby; and

WHEREAS, the neighborhood previously lost an important local food resource with the closure and demolition of Pathmark in 2012 to facilitate the construction of One Manhattan Square, and will temporarily lose access to an important remaining food resource in the Stop 1 Food Market during the proposed construction period; and

Disproportionate Impacts on Elderly, Low-income, Disabled, Chinese and Hispanic Minority Groups (Civil Rights Concerns)

WHEREAS, any adverse impacts generated by the proposed projects would have a disproportionate impact on a number of minority groups in the area immediately surrounding the proposed project sites, as:

- 1) 82 percent of residents overall are people of color;
- 2) 22 percent of residents in the area are 65 and older—and half of that senior population is living

¹ Henry Street Settlement. (April 2018). *Community Engagement, Public Policy, and Advocacy Findings from Focus Groups and the Community Town Hall*. <<https://www.henrystreet.org/wp-content/uploads/2018/04/Red-Book-2017.pdf>>

- with a disability; and
- 3) 18 percent of all residents in the area are living with a disability; and

WHEREAS, the neighborhood where the proposed actions would be implemented is an important ethnic enclave, as:

- 1) 47.5 percent of residents in the area are Chinese and 23 percent are Hispanic/Latino;
- 2) 46 percent of residents are foreign born; and
- 3) 41 percent of residents have limited English proficiency; and

WHEREAS, nearly 30 percent of area residents live below the poverty line and the median household income for a family of three is just \$30,771; and

WHEREAS, all of these rates are considerably higher than the rest of Manhattan; and

Relocation of Seniors and Warehousing of Vacant Senior Apartments

WHEREAS, the proposed actions would involve the relocation of 19 senior residents of 80 Rutgers Slip during the construction period, pursuant to a regulatory agreement and relocation plan administered by the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, the regulatory agreement and relocation plan has not yet been disclosed to Community Board 3 or other local elected officials, and potentially includes the current warehousing of affordable senior units despite substantial need in the community and long wait lists; and

Concerns with Public Education

WHEREAS, the proposed projects are likely to have a significant adverse impact on public school utilization rates and no mitigations for this impact has been identified at this time; and

Concerns with Resiliency and Open Space

WHEREAS, the proposed projects would all be sited within the 2015 FEMA-identified floodplain, and despite some proposed resiliency elements attached to the projects, little analysis has been done to evaluate the potential impacts these measures would have on areas immediately surrounding the proposed projects in a flood scenario; and

WHEREAS, the proposed projects would decrease the already limited open space ratio in the surrounding area from 0.897 acres per 1,000 residents to just 0.831 acres per 1,000 residents, both below the City goal of 2.5 acres per 1,000 residents and the citywide median of 1.5 acres per 1,000 residents and does not facilitate the addition of any new open space in the area; and

Concerns with Transit

WHEREAS, proposed mitigations to the accessibility and circulation at the F-line East Broadway station are not likely to be sufficient in offsetting the impacts that more than 5,800 new residents would have on subway line service, station accessibility, and pedestrian circulation; and

Applications Conflict with Other Land Use Applications That Have Community Board 3 Support

WHEREAS, Community Board 3 has previously resolved to support land use actions in the proposed project area that these applications would be incompatible with, and which represent a vision for the Two Bridges waterfront area that the proposed actions would be in direct conflict with; and

Sets Negative Precedent for Community Board Role in Land Use Process and Community Planning in NYC

WHEREAS, Community Board 3 believes the proposed actions would represent a significant change to the underlying Two Bridges LSRD site plan and zoning controls and would have impacts that are inconsistent with the LSRD objectives, and therefore do not constitute minor modifications; and

WHEREAS, this change brings into question every Large Scale special permit issued since the establishment of the Two Bridges LSRD, as the Community Board 3 is not likely to have made the same decisions regarding prior special permits and modifications if they understood that they would not

have an opportunity for review and negotiation through ULURP when future significant amendments were being proposed; and

THEREFORE BE IT RESOLVED that Community Board 3 recommends to deny the approval of the proposed modifications to the Two Bridges LSRD; and

THEREFORE BE IT FURTHER RESOLVED that Community Board 3 asks that CPC find the proposed amendments to the Two Bridges LSRD to be so significant as to require review pursuant to ULURP.

4. CB 3 response for Two Bridges Draft Environmental Impact Statement

VOTE: TITLE: CB 3 Response to the Two Bridges LSRD Draft Environmental Impact Statement

See pink packets or [CLICK LINK](#) for full resolution text.

(Available at: <http://www.nyc.gov/html/mancb3/downloads/votesheet/cb3-response-two-bridges-draft-eis.pdf>)

5. Update on Two Bridges Rezoning Application
no vote necessary
6. Vote to adjourn
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. Renaissance Economic Development Corp: Introduction and Services
no vote necessary
3. Continued discussion regarding priority policies from December 2017 City Council Report, "*Planning for Retail Diversity: Supporting NYC's Neighborhood Businesses*": Consider Expanding overlays to NYCHA superblocks fronting commercial corridors; Designate SBS to manage planning and policy for retail storefronts; SBS should collect and analyze storefront retail data in each community district as part of a citywide Commercial District Needs Assessment; Require Storefront Vacancy Reporting; Study the impact of the growth of internet commerce on brick and mortar retail sector and develop additional policies and programs to help small businesses adapt; Study a zoning bonus for affordable retail space; Strengthen and expand the FRESH program; Prioritize affordable local retail space in city-sponsored developments; Eliminate special permit requirements in gyms and health clubs; Help local non-profits develop affordable commercial spaces in underserved neighborhoods; Create a new program to help graduates of incubators and entrepreneurship programs to find retail space; Strengthen Chamber on the Go
no vote necessary
4. Vote to adjourn
approved by committee

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED

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

no meeting scheduled

SLA & DCA Licensing Committee (August)

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

Alterations

2. Villa Cemita (Villa Cemita Inc), 50 Ave A btwn E 2nd & E 3rd Sts (alt/wb/move bar, change seating orientation)

VOTE: TITLE: Community Board #3 Recommendation To Deny

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

WHEREAS, this applicant is also seeking to reduce its daytime hours of operation, add happy hours, add DJs, add televisions, add promoted events and or private parties and open its facade; 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 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, 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 diagrams it showed residents when it first met with residents; and

WHEREAS, there had been no notice of alteration to Community Board #3 for an alteration of the standup bar in this business prior to its installation by the applicant in the front of its business; and

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

WHEREAS, this applicant was then heard for an application to alter its bar in both November and December of 2015; and

WHEREAS, Community Board #3 denied the alteration because neighboring residents had complained that the 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 its 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 has 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 three (3) letters from area residents and petition signatures, forty-eight (48) of which were from area residents, in support of its application, the district manager of the community board appeared on behalf of herself and residents of her building, 141 East 3rd Street, which is across the street from this location, to complain that the business has 1) operated inconsistent from its stipulations and without notice to the community and the community board altered its business by enlarging its bar and moving it to the front of the business, altering its façade, first by installing windows that open half the façade and then by creating the ability to open the entire façade, and adding happy hours, 2) not operated as the family friendly business that the applicant has represented by hosting loud patrons and events, allowing loud patrons to congregate on the sidewalk, installing three (3) televisions to televise sport events, advertising drink specials all hours and offering "boozy brunches," 3) operated contrary to the law by serving alcohol without a license and lied to the community board when confronted about its illegal sale of alcohol after which it was issued a violation by the SLA and ultimately pled no contest to selling alcohol without a license, and 4) had two (2) alleged assaults in the business, one in 2016 and one on May 1, 2018, for which police responded; and

WHEREAS, there were letters from two (2) area residents submitted in opposition to this application, as well as a letter from the cooperative board of the building in which the business is housed, stating

that it was opposed to this alteration application because 1) the building did not contract with the applicant to have an alcohol-oriented business which hosts boozy brunches, 2) its alteration was illegally done without notice to the building, the SLA or the community board, 3) employees enter the residential portion of the building which has created a safety issue for building residents and there were assaults in the business in 2016 and May of 2018, the most recent of which required that police enter and canvas the residential part of the building, and 4) the business has illegally sold alcohol; and

WHEREAS, a community board member also noted that the business had advertised and hosted at least one pub crawl in April of 2008, although the applicant stated that it was not aware that it had; and

WHEREAS, although the attorney for the applicant stated that the applicant would agree to enter into new stipulations governing its happy hours, façade, music and events, he stated that the applicant would not eliminate its "boozy brunches;" and

WHEREAS, given that the applicant has made multiple alterations to its business, to wit enlarging and moving its bar, opening its façade, reducing its daytime hours of operation, adding drink specials, including "boozy brunches," and hosting loud events, including sports events, without notice to the SLA, the community or the community board and contrary to its agreement with residents to obtain approval for its wine beer license, and given that it continues to operate inconsistent from its stipulations which are conditions of its license by continuing to have reduced daytime hours of operation, happy hours, unlimited drink specials and pub crawls, Community Board #3 will not now approve these alterations; now

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

3. Home Sweet Home and Fig 19 (TLS Chrystie LLC), 131 Chrystie St (op/alt/enlarge bar size, add DJ booth) withdrawn
4. Chinese Tuxedo (8 Tuxedos Inc), 5 Doyers St btwn Pell St & Bowery (alt/op/ convert ground floor service bar to a stand-up bar, adding a DBA)

VOTE: TITLE: Community Board #3 Recommendation To Deny

WHEREAS, 8 Tuxedos Inc., doing business as Chinese Tuxedo, is seeking an alteration of its full on-premises liquor license for its restaurant located at 5 Doyers Street a/k/a 5-7 Doyers Street, between Pell Street and Bowery, to wit converting the ground floor service bar to a stand up bar and adding a business name to the now operating bar in the basement; and

WHEREAS, this applicant is also seeking to use the basement as a regularly operated bar; and

WHEREAS, the applicant has previously stated that its basement is used only for private events and the bar-like structure with nineteen (19) stools in the basement is actually a counter only used for sitting and dining; and

WHEREAS, the applicant has now stated that its first attorney had mistakenly applied for the ground floor bar in the restaurant to be a service bar and the basement counter to be a stand up bar when the original plan had been to have a standup bar on the ground floor and a service bar in the basement and, once the applicant had learned of this error, it stopped serving alcohol from the ground floor bar and decided to operate the basement as a bar doing business as Peachy's; and

WHEREAS, this is an application with no listed certificate of occupancy although its previous applications represented that the certificate of occupancy is at least two hundred (200) people, twenty-seven (27) tables and one hundred eighteen (118) seats on the ground floor and seven (7) tables and fifty-three (53) seats in the basement although the diagram submitted of the basement depicts a different amount of tables and seats, a twenty-five (25) foot bar with ten (10) stools one the ground floor and a forty (40) foot bar with nineteen (19) stools in the basement, hours of operation of 6:00 P.M. to 1:00 A.M. all days, a kitchen open all hours, a closed facade, no televisions, recorded background music and no wait lines outside; and

WHEREAS, this applicant was denied a full on-premises license by Community Board #3 in April of 2015, because 1) the location had never housed a licensed business, 2) Doyers Street is a horseshoe one-lane alley with a street bed that is fourteen (feet) wide and a sidewalk that is only five (5) feet wide at its widest point and which is no more than one hundred (100) feet long from Pell Street to

Bowery, 3) the street already had three (3) licensed businesses, with two (2) full on-premises liquor licenses and one (1) wine beer license, and was already overrun with patrons loitering on the sidewalk and cars idling in the street, honking horns and blocking through traffic most nights, 3) there were five (5) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant, 4) neither principal had any experience operating a licensed business in the area, 5) the applicant failed to furnish any vehicle or pedestrian traffic plan to address the addition of its patrons to this street, 6) there was community opposition to the approval of this license, and 7) there was no apparent public benefit to the approval of a Cantonese restaurant in an area with similar restaurants with no or only wine beer licenses; and

WHEREAS, the applicant then applied for a wine beer license to the SLA without notice to the community board and the SLA sent the applicant back to the community board for review of its wine beer application; and

WHEREAS, the applicant was then denied a wine beer license by Community Board #3 in October of 2015, unless the applicant agreed to make as conditions of its license stipulations to 1) operate a full-service Melbournian Chinese and Cantonese restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 10:00 A.M. to 1:00 A.M. all days, 3) not commercially operate any outdoor areas, 4) install soundproofing consistent with the recommendations of an acoustic engineer, 5) 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) 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, 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 and not appear before Community Board #3 for such an application until it had been operating its business at least eighteen (18) months, 9) not have happy hours, 10) not host pub crawls or party buses, and 11) insure that there were no wait lines and designate an employee responsible to oversee patrons and noise on the sidewalk, 12) conspicuously post this 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 wine beer license was issued by the SLA on November 2, 2016; and

WHEREAS, the applicant was denied a full on-premises liquor license by Community Board #3 in October of 2017, unless the applicant agreed to make as conditions of its license its existing stipulations; and

WHEREAS, the full on-premises liquor license was issued by the SLA on December 29, 2017; and

WHEREAS, a representative of the Chinatown Core Block Association spoke in opposition to this application because 1) the applicant stated to the community board and the block association when it first applied for a liquor license that it would not be using the basement as part of its regular business operations but rather only for private parties and then it altered its method of operation contrary to its agreed stipulations without notice to the community or the community board, and 2) the basement is now being operated as a bar with its own business name and entrance, fifty (50) seats but room for eighty (80) people, its own menu of appetizers and hours of operation of 6:00 P.M. to 1:00 A.M. Wednesdays through Saturdays; and

WHEREAS, Community Board #3 has found that 1) the business website for Chinese Tuxedo advertises Peachy's as a separate venue and directs interested parties to the Peachy's webpage, 2) YELP comments for the bar from August 12, 2018 include observation of a DJ in the business, and 3) an article in Eater dated April 26, 2018, in which the applicant had been interviewed, represented that the bar had fifty (50) seats, room for eighty (80) people, its own menu featuring Pan Asian snacks and hours of operation of 6:00 P.M. to 1:00 A.M. Wednesdays through Saturdays; and

WHEREAS, contrary to its stipulations which are conditions of its license, the applicant conceded that it had altered its premises and had been hosting DJs in the basement bar since its opening in May of 2018, but stated that it had ceased having DJs two weeks before it appeared before Community Board #3; and

WHEREAS, notwithstanding that the applicant furnished petition signatures, twenty-five (25) of which were from area residents, in support of its application, given that the applicant has not been abiding by the conditions of its liquor license by hosting DJs and has altered its method of operation to its

basement without notice to the SLA or the community board by changing its method of operation from an area for private events with no bar to a regularly operated bar with its own business name and entrance and a forty (40) foot standup bar; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for 8 Tuxedos Inc., doing business as Chinese Tuxedo, for an alteration of its full on-premises liquor license for the premises located at 5 Doyers Street a/k/a 5-7 Doyers Street, between Pell Street and Bowery, to wit converting the ground floor service bar to a stand up bar and adding a business name to the now operating bar in the basement.

5. Boris & Horton (Boris & Horton East Village NYC), 195 Ave A btwn E 12th & E 13th Sts (alt/wb/expand to next door space, increase seating)

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

To deny the application for an alteration of the wine beer license for Boris and Horton East Village NYC, doing business as Boris & Horton, for the premises located at 195 Avenue A, between East 12th Street and East 13th Street, to wit expanding the retail portion of the business into the adjacent storefront and adding seating, 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 café a retail store selling dog merchandise, with a kitchen open and serving food during all hours of operation on the cafe side of the business,
- 2) its hours of operation will be 7:00 A.M. to 12:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors on the café side of the business 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 and it will have a closed fixed facade with no open doors or windows on the retail store side of the business,
- 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 except that it may have promoted and ticketed events for dog adoptions,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 7) it will not seek a change in class of its liquor license to a full on-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 designate an employee to oversee patrons and noise on the sidewalk and noise from any dogs within and outside of the business,
- 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.

Removal Applications

6. Essex (120 Essex Market LLC), 120 Essex St @ Rivington St (op) (removal - 120 Essex St, moving to 124 Rivington St, btwn Essex & Norfolk Sts)

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

WHEREAS, 120 Essex Market LLC, is seeking the removal of its full on-premises liquor license for its restaurant located at 120 Essex Street a/k/a 19 Rivington Street, at the corner of Essex Street and Rivington Street, New York, New York, to 124 Rivington Street, ground floor and mezzanine, between Essex Street and Norfolk Street; and

WHEREAS, this is an application for a new American restaurant with a proposed certificate of occupancy of one hundred seventy-five (175) people on the ground floor and mezzanine, forty-two (42) tables and one hundred fifty-five (155) seats, a twenty-three (23) foot bar with thirteen (13) stools on the ground floor and an eight (8) foot serving bar on the mezzanine, hours of 10:00 A.M. to 12:00 A.M. Sundays, 5:00 P.M. to 12:00 A.M. Mondays through Wednesdays, 5:00 P.M. to 1:00 A.M. Thursdays, 5:00 P.M. to 3:00 A.M. Fridays and 10:00 A.M. to 3:00 A.M. Saturdays, a kitchen open to within one (1) hour of closing, windows closing at 10:00 P.M., two (2) televisions, recorded background music, no promoted events scheduled performances or events with cover fees, one (1) security guard Friday and Saturday nights and two (2) security guards during Saturday and Sunday brunch hours, an intent to install soundproofing, happy hours to 10:00 P.M. Sundays, 8:00 P.M. Mondays through Wednesdays and Fridays and 11:00 P.M. Thursdays and no wait lines outside; and

WHEREAS, there are either twenty (20) or thirty-one (31) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but forty-two (42) full on-premises liquor licenses, including that of the applicant, and three (3) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

WHEREAS, although the ground floor and mezzanine of the subject location have never housed a licensed business, the applicant is moving to it from a location directly across the street where it has operated a restaurant in good standing for eighteen (18) years and which it is vacating because of demolition of the building for a new large-scale mixed-use development; and

WHEREAS, the applicant was issued a full on-premises liquor license by the SLA on July 26, 2000; and

WHEREAS, the applicant has stated that it will continue to operate its existing business but will have a larger kitchen and menu at the new location; and

WHEREAS, given that the basement level of the subject location houses an existing licensed business, to wit 122-124 Rivington Corp., doing business as La Caverna Ristorante, that has been operating inconsistent with its method of operation and to the detriment of the community, the applicant has agreed that it will have no wait lines outside, an employee responsible for overseeing patrons and noise on the sidewalk, an interior waiting area for patrons and a reservation system; and

WHEREAS, there was substantial support for this applicant, in that the applicant furnished petition signatures, seventy (70) of which were from area residents, in support of its application, and three (3) community residents who are active in community organizations and concerns appeared on behalf of the applicant, each stating that this is a well-run, family and neighborhood friendly business that he or she has patronized since its opening; and

WHEREAS, notwithstanding the number of licensed businesses within close proximity to this location and previously unlicensed character of the location the applicant is seeking to occupy, Community Board #3 would support a full on-premises liquor license for this applicant with stipulations governing its method operation, including its existing hours of operation, because the applicant is not seeking to add a full on-premises liquor license to this area and has operated a longstanding neighborhood restaurant; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the application for the removal of a full on-premises liquor license for 120 Essex Market LLC from 120 Essex Street a/k/a 19 Rivington Street, at the corner of Essex Street and Rivington Street, to 124 Rivington Street, ground floor and mezzanine, between Essex Street and Norfolk 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 new American 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 12:00 A.M. Sundays, 5:00 P.M. to 12:00 A.M. Mondays through Wednesdays, 5:00 P.M. to 1:00 A.M. Thursdays, 5:00 P.M. to 3:00 A.M. Fridays and 10:00 A.M. to 3:00 A.M. Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install soundproofing,
- 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 or for any physical alterations without first appearing before Community Board #3,
- 8) it will employ at least one (1) security guard Friday and Saturday nights and two (2) security guards during Saturday and Sunday brunch hours,
- 9) it may have "happy hours" to 10:00 P.M. Sundays, 8:00 P.M. Mondays through Wednesdays and Fridays and 11:00 P.M. Thursdays,
- 10) it will not host pub crawls or party buses,
- 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 create an interior waiting area for patrons and maintain a reservation system,
- 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.

Sidewalk Cafe Applications

7. Ainsworth (Ainsph LLC), 64 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 three (3) tables and twelve (12) seats for AINSPH LLC, doing business as The Ainsworth, for the premises located at 64 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 three (3) tables and twelve (12) seats located flush against the façade of the building on the Third Avenue side of the business,
- 2) its hours of operation will be 11:00 A.M. to 10:00 P.M. Sundays through Wednesdays and 11:00 A.M. to 11:00 P.M. Thursdays through Saturdays, and
- 3) it will have an awning extended over its business during its hours of operation.

New Liquor License Applications

8. LES 106 RIV LLC, 106 Rivington St (op)

withdrawn

9. Entity to be formed by Stephen Ballinger, 50 Ave B (op)

withdrawn

10. TCA Restaurant LLC, 46-48 Bowery (op)

withdrawn

11. Calexico (Calexico Cinco LLC), 99 2nd Ave btwn E 5th & E 6th 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 Calexico Cinco LLC, with a proposed business name of Calexico, for the premises located at 99 Second Avenue, between East 5th Street and East 6th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Mexican restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 12:00 A.M. Sundays through Thursdays and 11:00 A.M. to 1:00 A.M. Fridays and Saturdays,
- 3) it will close any front or rear façade doors and windows at 10:00 P.M. every night, when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 4) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events or any event at which a cover fee will be charged,
- 5) it will not apply for any alteration in its method of operation without first appearing before Community Board #3,
- 6) it will not host pub crawls or party buses,
- 7) it will not have unlimited drink specials with food,
- 8) it may have "happy hours" to 7:00 P.M. each night,
- 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 business, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board #3 is approving this application for a full on-premises liquor license although this location is in an area with numerous full on-premises liquor licenses because 1) this is a sale of assets of an existing restaurant with a full on-premises liquor license, 2) this applicant has experience working in and operating similar businesses, to wit a licensed restaurant located at 149 Second Avenue, New York, New York, from 2016 to present, at 278B Fifth Avenue, New York, New York, from 2004 to present with a full on-premises liquor license issued October 1, 2014, at 122 Union Street, Brooklyn, New York, from 2010 to present with a full on-premises liquor license issued September 9, 2017, and at 645 Manhattan Avenue, Brooklyn, New York, from 2010 to present with a full on-premises liquor license issued December 7, 2010, 3) the applicant intends to operate this business with moderate hours, including daytime hours of operation, and 4) the applicant entered into a memorandum of understanding regarding its method of operation with the East Fifth Street Block Association.

12. Luthun LLC, 511 E 6th St (op)

withdrawn

13. Down and Out (Down and Out Brooklyn LLC), 197 E 3rd St (op)

withdrawn

Items not heard at Committee

- 14. Grand Seoul (PCPP Inc), 85 Christie St (wb)
no vote necessary
- 15. Dua Kafe Wine + Beer (Dua Kafe Inc), 520 E 14th St (wb)
no vote necessary
- 16. Dillers Inc, 357 Grand St (wb)
no vote necessary
- 17. Tabetomo (Ays Noodle Company LLC), 131 Ave A (wb)
no vote necessary
- 18. The Fat Radish (Silkstone LLC), 17 Orchard St (op/corp change)
no vote necessary
- 19. Vote to adjourn
approved by committee

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding August SLA item 4)

36 YES 1 NO 0 ABS 0 PNV MOTION PASSED (August SLA item 4)

SLA & DCA Licensing Committee (September)

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

Alterations

- 2. Home Sweet Home and Fig 19 (TLS Chrystie LLC), 131 Chrystie St (op/alt/enlarge bar size, add DJ booth)
withdrawn
- 3. Casa Mezcal (Compas Group New York LLC), 86 Orchard St (op/alt/convert service bar to customer bar in basement, add additional customer bar on mezzanine level)
withdrawn

New Liquor License Applications

- 4. Down and Out (Down and Out Brooklyn LLC), 197 E 3rd St btwn Aves A & B (op)

VOTE: TITLE: Community Board #3 Recommendation To Deny

WHEREAS, Down and Out Brooklyn LLC, with a proposed business name of Down and Out, is seeking a full on-premises liquor license for the premises located at 197 East 3rd Street, between Avenue A and Avenue B, New York, New York; and

WHEREAS, this is an application for a tavern lounge restaurant with no listed certificate of occupancy, nineteen (19) tables and thirty-two (32) seats, a nineteen (19) foot bar with seven (7) stools in the interior space and an eighteen (18) foot bar with seven (7) stools in a glass enclosure in the rear yard, hours of operation of 12:00 P.M. to 12:00 A.M. Sundays and 12:00 P.M. to 2:00 A.M. Mondays through Saturdays in the interior space and 5:00P.M to 12:00 A.M. Sundays and 5:00 P.M. to 2:00 A.M. Mondays through Saturdays in the glass enclosure in the rear yard, a prep area serving food to within one (1) hour of closing, windows, recorded background music, security and happy hours to 7:00 P.M.; and

WHEREAS, the applicant has stated that it is intending to create a high end destination location consisting of a literary-themed English pub in the interior space and a cocktail lounge and raw bar in the glass enclosure in the rear yard; and

WHEREAS, this is an unlicensed location on a residentially zoned street; and

WHEREAS, there are eleven (11) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but fifteen (15) full on-premises liquor licenses and one (1) pending full on-premises liquor license within five hundred (500) feet of this location per the SLA LAMP map; and

WHEREAS, there is no apparent public benefit for the approval of a full on-premises liquor license for a two (2) themed bar and cocktail lounge given that the immediate area is well-served with taverns and cocktail lounges; and

WHEREAS, the applicant has operated an indoor outdoor beer garden with a full on-premises liquor license located at 272 Meserole Street Brooklyn, New York, since 2014; and

WHEREAS, 197 Artichoke Corp., the previous licensee at this location was heard for its original application for a full on-premises liquor license by Community Board #3 in May of 1997, and was approved after it represented that it would operate as a full-service restaurant, with hours of

operation of 5:00 P.M. to 4:00 A.M. all days, no commercial use of any outdoor areas, a kitchen and a full menu; and

WHEREAS, the previous licensee was then heard by Community Board #3 for the renewal of its full on-premises liquor license in February of 2008, because there had been resident complaints of noise from patrons and music and lack of oversight and control of patrons in front of the business and in its backyard and it was approved provided it agreed to stipulations to 1) use an installed limiter, 2) employ licensed security guards Fridays and Saturdays and other days as needed to control noise and crowds outside, 3) maintain crowds and noise in the front of the business and in the backyard, and 4) immediately address resident complaints; and

WHEREAS, the previous licensee was then denied its renewal by Community Board #3 in December of 2015, and Community Board #3 asked that the SLA either revoke its full on-premises liquor license or enforce the method of operation as a restaurant with no commercial use or any outdoor areas that was approved by the SLA; and

WHEREAS, the district manager of Community Board #3, the Ninth Precinct and residents of East 3rd Street worked with the SLA regarding the complaints of noise from patrons and music, fighting amongst patrons, lack of control over the area in front of the business, failure to operate consistent with its method of operation, noise and use of the rear yard, the SLA then revoked the full on-premises liquor license of the previous licensee, the revocation was appealed after the death of the licensee and the SLA then cancelled the license; and

WHEREAS, the present applicant was first heard by Community Board #3 in July of 2018, and withdrew its application after the community board learned that the applicant was intending to construct a glass enclosure it was calling a "greenhouse" in the rear yard and attached to the building and the community board asked that the applicant provide information regarding the proposed structure, including a sound study and recommendations from a sound engineer and architectural plans for the structure, as well as engage in community outreach to residents impacted by use of the rear yard; and

WHEREAS, although the applicant has now provided a sound study and recommendations to mitigate sound in the proposed structure from an acoustical engineer, the applicant has failed to produce architectural plans or any plans or diagrams for the proposed rear yard structure for Community Board #3 to review, the applicant has stated that given the recommendations of the sound engineer, its plans for constructing this addition have changed, the structure will not be attached to building and patrons will have to walk into the yard to access the structure and without the rear yard structure the applicant will not go forward with this business venture; and

WHEREAS, two (2) longtime residents of the street appeared to oppose this application because 1) their experiences with late night noise from in front of the previous business and from the rear yard and uncontrolled patrons on the street in front of the business that existed during its fifteen (15) year history of operation has led them to conclude that a tavern lounge with late night hours is incompatible with this location and this street, and 2) there is no benefit in the addition of this business given that there are already other bars and cocktail lounges in this neighborhood to serve the community; and

WHEREAS, notwithstanding that the applicant has experience operating a licensed business, the applicant has no experience operating a licensed business or any business in Community Board #3; and

WHEREAS, notwithstanding that the applicant submitted petition signatures, one hundred sixteen (116) of which were from area residents, in support of its application, the petitions failed to include commercial use of the backyard; and

WHEREAS, given the history of violations, operation inconsistent from its approved method of operation, noise complaints, unsafe and illegal conduct of the previous business and lack of public benefit in opening a bar cocktail lounge in an area well-serve with similar businesses; now

THEREFORE, BE IT RESOLVED that Community Board #3 moves to deny the full on-premises liquor license for Down and Out Brooklyn LLC, with a proposed business name of Down and Out, for the premises located at 197 East 3rd Street, between Avenue A and Avenue B, New York, New York.

5. LESFLO Enterprise, 112 Rivington St btwn Ludlow & Essex Sts (op)

VOTE: TITLE: Community Board #3 Recommendation To Deny

WHEREAS, LESFLO Enterprise is seeking a full on-premises liquor license for the premises located at 112 Rivington Street, between Ludlow Street and Essex Street, New York, New York; and

WHEREAS, this is an application for a tavern café with a certificate of occupancy of two hundred seventy-two (272) people on the ground floor and basement, twenty-one tables and eighty (80) seats on both floors, a twenty (20) foot bar with ten (10) stools on the ground floor, hours of operation of 9:00 A.M. to 4:00 A.M. all days, an electric kitchen open to 11:00 P.M. each day, French doors, five (5) televisions, live and recorded music and DJs at background and entertainment levels, promoted events, private parties, two (2) to four (4) security guards Mondays through Thursdays and seven (7) to nine (9) security guards Fridays and Saturdays and happy hours to 9:00 P.M.; and

WHEREAS, this is an unlicensed location; and

WHEREAS, there are thirty-four (34) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but forty-one (41) 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; and

WHEREAS, the applicant has stated that the public benefit of its proposed venue is that it will be a "global" tavern café with "community outreach and programming" consisting of educational talks for area youth and presentations for small businesses and networking; and

WHEREAS, the applicant submitted petition signatures, forty-seven (47) of which were from area residents, in support of its application and five (5) area residents and community members appeared on behalf of the applicant to attest to its character and longtime civic responsibility within the community; and

WHEREAS, Community Board #3 denied a full on-premises liquor license for the previous licensee in February of 2005, because it failed to appear and denied an alteration to add a stand up bar to its business in September of 2005 because it had not yet opened; and

WHEREAS, the previous licensee was issued a full on-premises liquor license by the SLA on October 19, 2005, for a method of operation as a lounge with food service and DJs but no live music, scheduled performances, events with cover fees or dancing; and

WHEREAS, Community Board #3 then asked the SLA in October of 2015 to deny the renewal of and either revoke the full on-premises liquor license for the previous licensee or enforce its approved method of operation because the business 1) had not been operating consistent with its method of operation by hosting scheduled performances, dancing without a cabaret license, events with ticket sales and cover fees and not serving food, 2) had been illegally using a mezzanine and exceeding its maximum occupancy, 3) had an emergency egress which illegally and unsafely led into the hallway of the residential portion of 112 Rivington Street where the licensee had ejected unruly drunk patrons who would then pass out, fight and or vomit in the residential hallways, 4) had blocked access to the building water boiler which had resulted in the landlord being unable to access the boiler for repairs without the licensee, thereby resulting in a loss of hot water for residential tenants because the licensee had not been responsive when the boiler needed repairs, 5) had commandeered use of the residential garbage area for its own use, and 6) had received numerous complaints of late night noise from live performances, patrons on the sidewalk and an air horn from residents of surrounding buildings; and

WHEREAS, consistent with the complaints against it, the previous licensee had Environmental Control Board violations from 2009 and 2013, for exceeding maximum occupancy, illegal cabaret and stage, as well as an improper emergency exit, all of which were still open when the business closed and had also entered into a no contest plea before the SLA on May 4, 2007, for improper conduct and an unauthorized bar on December 4, 2005, a no contest plea on April 10, 2010, for failure to conform and unauthorized trade name on January 17, 2009, a no contest plea on August 14, 2009, for unlicensed cabaret on January 17, 2009, a no contest plea on March 28, 2012, for failure to supervise on June 26, 2011, and a no contest plea on May 17, 2013, for exceeding maximum occupancy and a sale to a minor; and

WHEREAS, the previous license for this location was ultimately cancelled by the SLA; and

WHEREAS, although the applicant was repeatedly asked by members of Community Board #3 to provide details of its proposed method of operation, it did not expand on the specifics of its application, including failing to explain why its application stated that this business would be a "media-focused" venue providing "continuous entertainment," and its application materials, while containing statements about its overall vision, lacked specific details about the proposed method of operation and did not include architectural plans or any plans or diagrams demonstrating how this two-story venue will be used; and

WHEREAS, three (3) residents of the street and immediate area appeared in opposition to this application, stating that the size and scale of the proposed business and late night hours of operation are incompatible with this applicant who no experience operating a licensed business or a business of this size and with this location which has had a long history of violations and community complaints with a similar method of operation; and

WHEREAS, the LES Dwellers, a local residents organization, submitted a letter in opposition to this application, which included sixty-one (61) letters from residents and six (6) petition signatures, and appeared in opposition to this application, stating that 1) there is conflicting information in the application, including whether or not it will have live music and promoted events, 2) it is concerned that the business will operate as a club given its 4:00 A.M. closings all days, DJs and live music, entertainment level music, limited food service hours, numerous security guards and three (3) promoted events and or private parties per month, 3) the open façade and late nights hours of this proposed business are untenable because the street is already overburdened with late night noise, 4) this street and the surrounding area are overburdened with licensed venues, including the hotel across the street with three (3) public venues, all of which has resulted in noise from crowds of people and horn honking on the street, the street and bike lane being blocked and a lack of parking from lines of taxis, party buses and limousines, as well as daytime noise and congestion and lane blockages from trucks making deliveries to the businesses on this street, 5) the previous business had a long history of violations, operating inconsistent from its method of operation and operating in a manner that created unsafe conditions for building residents and its license was ultimately cancelled, 6) the area has more crime than it did last year and there is more crime and a disproportionate number of arrests in Hell Square than other areas of the precinct, and 7) the relevant experience of the applicant is limited to its experience as a promoter; and

WHEREAS, the 112 Rivington Street Condominium Board submitted a letter in opposition to this application and a resident of 112 Rivington Street appeared in opposition to this application, submitted petition signatures from eight (8) of the ten (10) residents of the building and stated that 1) there were discrepancies in the application, such as that it proposes to be a tavern café, but there are only eighty (80) seats while the occupancy is for almost three hundred (300) people and it is seeking to have DJs, live music and food service that ends at 11:00 P.M. when the business will be open until 4:00 A.M., 2) living conditions in the building had been awful when the previous business was open because the previous licensee never corrected its violations, made the building unsafe because it allowed patrons into the residential portion of the building where they would pass out, fight and vomit, thereby creating unsafe and unsanitary conditions for residents, had taken away access to the garbage area although it was required by law to maintain its trash within its business to within one (1) hour of pickup by a commercial carter and had prevented access to the water boiler which resulted in an inability of the landlord to access the boiler for repairs without the licensee, thereby resulting in a loss of hot water for residential tenants because the licensee has not been responsive when the boiler has needed repairs, a condition which remains uncorrected; and

WHEREAS, Community Board #3 is unpersuaded by the stated public benefit for the approval of a full on-premises liquor license given the contradictory nature of this application, in that the applicant has represented that it intends to open a community-focused venue with daytime hours of operation, yet the proposed business plan also includes late night hours, multiple types of entertainment, entertainment level music, limited food service hours, numerous security guards, promoted events and or private parties and limited seating in a space that could accommodate up to two hundred seventy-two (272) people; and

WHEREAS, notwithstanding the apparent strong community roots of the applicant, Community Board #3 cannot support this application because its community ties are far outweighed by the lack of the experience of the applicant in operating a licensed business and incompleteness of the application, the proposed size, scope and hours of operation of the proposed business, building and community opposition to this application, the history of this location which confirms it that it is inappropriate for a nightlife venue and includes violations, operation inconsistent from its approved method of operation, noise complaints and unsafe and illegal conduct by the previous licensee and the lack of public benefit

in opening a tavern café with late night hours of operation and a full on-premises liquor license in an area well-served with late night businesses with full on-premises liquor licenses; now

THEREFORE BE IT RESOLVED that Community Board #3 moves to deny the application for a full on-premises liquor license for LESFLO Enterprise, for the premises located at 112 Rivington Street, between Ludlow Street and Essex Street, New York, New York.

6. 12th St Ale House LLC, 192 2nd a/k/a 192-196 2nd Ave @ E 12th 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 12th St Ale House LLC, for the premises located at 192 Second Avenue a/k/a 192-196 Second Avenue, at the corner of East 12th 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 tavern, with a prep area serving food during all hours of operation,
- 2) its hours of operation will be 3:00 P.M. to 4:00 A.M. Mondays through Fridays and 1:00 P.M. to 4:00 A.M. Saturdays and 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 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 may have "happy hours" to 8:00 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 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 location is in an area with numerous full on-premises liquor licenses because 1) this is a sale of assets of an existing tavern with a full on-premises liquor license, 2) the applicant consists of principles with collective experience working in and operating similar businesses, including a principle who has operated a licensed business located at 407 Amsterdam Avenue since December of 2017, which has a full on-premises liquor license that was issued by the SLA on December 26, 2017, and at 558 Hudson Street since November of 2008, which has a full on-premises liquor license that was issued by the SLA on March 4, 2009, and another principle who has operated a licensed business located at 14 Avenue A since 2006, as well as having other licensed businesses outside of New York, 3) the applicant intends to operate this business with the same method of operation and business name as the previous business, and 4) the applicant demonstrated support for its application, in that it furnished petition signatures, sixty (60) of which were from area residents including many building residents, in support of its application, and there was no community opposition to this application.

7. Cherrua (Bistro Uruguay Inc), 131 Essex St btwn Stanton & Rivington Sts (upgrade to op)

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

To deny the application for a change in class of the wine beer license to a full on-premises liquor license for Bistro Uruguay Inc., doing business as Charrua, for the premises located at 131 Essex Street, between Stanton Street and Rivington Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Uruguayan restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 10:00 P.M. Sundays, 5:00 P.M. to 11:00 P.M. Mondays through Wednesdays, 5:00 P.M. to 12:00 A.M. Thursdays and Fridays and 12:00 P.M. to 12:00 A.M. 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 live music, DJs, promoted events or any event at which a cover fee will be charged and may have up to four (4) private parties 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 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 change in class to a full on-premises liquor license for this applicant although this location is in an area with numerous full on-premises liquor licenses because 1) this restaurant has operated with moderate hours since 2014, 2) the applicant has managed this business during its history of operation and has been the owner of this business for the past year, and 3) the applicant demonstrated support for its application, in that it furnished petition signatures, thirty-four (34) of which were from area residents, in support of its application, and there was no community opposition to this application.

8. Entity to be formed by J Evans, 65 Rivington St btwn Eldridge & Allen 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 Banter Nolita LLC, for the premises located at 65 Rivington Street, between Eldridge Street and Allen 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 Australian restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 8:00 A.M. to 12:00 A.M. Sundays through Thursdays and 8:00 A.M. to 1:00 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 will not have live music, DJs, promoted events 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 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 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 location is in an area with numerous full on-premises liquor licenses because 1) this is a sale of assets of an existing restaurant with a full on-premises liquor license, 2) the applicant has operated a similar business located at 169 Sullivan Street, New York, New York, since February 8, 2017, which has a full on-premises liquor license that was issued by the SLA on April 3, 2017, and has similar hours of operation, and 4) the applicant demonstrated support for its application, in that it furnished petition signatures, thirty (30) of which were from area residents, in support of its application, and there was no community opposition to this application.

9. Cozy Cafe (Cozy Cafe Corp), 43 E 1st St btwn 1st & 2nd Aves (upgrade to op)

no vote necessary

10. 269 Bar Partners LLC, 269 E Houston St @ Suffolk 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 269 Bar Partners LLC, for the premises located at 269 East Houston Street, at the corner of Suffolk Street and East Houston Street, unless the

applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service American bistro 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 4:00 A.M. Mondays through Fridays, 12:00 P.M. to 4:00 A.M. Saturdays and 9:00 A.M. to 4:00 A.M. Sundays,
- 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 live music, DJs, promoted events or any event at which a cover fee will be charged and may have up to ten (10) private parties 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 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 location is in an area with numerous full on-premises liquor licenses because 1) this is a sale of assets of an existing restaurant with a full on-premises liquor license, 2) this location has been continuously licensed since 1937, 3) the applicant consists of three principles with collective experience working in and operating similar businesses, including a principle who was the previous licensee and will continue to operate the business as the manager, 4) the applicant intends to operate this business with the same method of operation as the previous business but will change the business name, and 5) the applicant demonstrated support for its application, in that it furnished petition signatures, forty-six (46) of which were from area residents including many building residents, in support of its application, and there was no community opposition to this application.

11. Entity to be formed by B Krawitz, 213 2nd Ave (op)
withdrawn
12. Sanpou USA LLC, 92 2nd Ave (op)
withdrawn
13. Entity to be formed by ICP Operators, 242 Broome St (op)
withdrawn
14. Grand Delancey LLC, 115 Delancey St (op)
withdrawn

Hotel Applications

15. Allen Hotel (Allen Street Hospitality LLC), 140 Allen St @ Rivington St (op)
no vote necessary
16. Orchard Street Hotel Management LLC, 9 Orchard St (op)
withdrawn

New Liquor License Applications

17. Orchard Street Restaurant Management Inc, 9 Orchard St (op)
withdrawn

Items not heard at Committee

18. Bar Taco Bar & Grill (TBI Manhattan Corp), 185 Ave C (op/corp change)
no vote necessary
19. Entity to be formed by Annika Sunovik, 88 Essex St (wb)
no vote necessary
20. Heng Xing Group Inc, 50 3rd Ave (wb)
no vote necessary
21. Niche (Nakamura Inc), 172 Delancey St (wb)
no vote necessary
22. Joey Bats Cafe NYC LLC, 129 Allen St (wb)
no vote necessary
23. Madame Vo BBQ (Megalit Restaurant Corp), 104 2nd Ave (wb)
no vote necessary
24. Shimiaodao Yunnan Rice Noodle (Chumi Group Corporation), 33 St Marks Pl (wb)
no vote necessary

25. Vote to adjourn
approved by committee

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED
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

Joint Meeting with Land Use Committee

2. CB 3 comments on Draft Scope of Work for proposed Manhattan Detention Center

VOTE: TITLE: CB 3 Comments on Draft Scope of Work for Proposed Borough-Based Jail System and Manhattan Detention Facility

WHEREAS, CB 3 believes that the closure of Rikers Island and corresponding criminal justice reform is necessary; and

WHEREAS, the City of New York through the Department of Corrections (DOC) is proposing to implement a borough-based jail system as part of a larger commitment to close the jails at the Rikers Island Correctional Facility and create a modern and humane justice system; and

WHEREAS, part of this plan includes the development of a new detention facility for the borough of Manhattan at 80 Centre Street, located in Manhattan Community District 1 and just adjacent to Manhattan Community District 3; and

WHEREAS, the proposed Manhattan detention facility would require a number of actions that are subject to the City's Uniform Land Use Review Procedures (ULURP) and has the potential to result in significant adverse environmental impacts that will be disclosed in a forthcoming Draft Environmental Impact Statement (DEIS); and

WHEREAS, the scope of that environmental review is being determined at this time, and Community Boards 1 and 3 conducted a joint meeting to consider this issue on September 6, 2018; and

WHEREAS, at this meeting, the City of New York presented the details of the draft scope of work for the proposed Manhattan detention facility, and comments were heard from members of the public;

THEREFORE BE IT RESOLVED, Community Board 3 believes the following should be considered in the Final Scope of Work and Draft Environmental Impact Statement for the New York City Borough-Based Jail System:

- Evaluate a scenario where the anticipated decrease in crime and jail population does not occur, or the opposite occurs and New York City jail population increases.
- Address why the proposed four facilities would undergo one ULURP rather than individual review processes than could more thoroughly study local impacts.
- Evaluate a scenario where there is a continued decrease in need for beds and beds can be taken off line and replaced with services.
- Evaluate a scenario in which jail population is not evenly distributed with 1500-bed facilities at each borough site, including scenarios with fewer beds at the proposed Manhattan facility (such as an 1100-bed facility).
- Address the absence of a Staten Island facility and evaluate alternative scenarios that include detention facilities in all five boroughs.
- Evaluate public policy and any other criminal justice reform tools that could contribute to the closure of the Rikers Island Detention Facility without requiring all or part of the proposed actions in lower Manhattan.
- There is approximately 20,000 gross square feet (gsf) of community facility space being proposed for the Manhattan detention facility. Please address how this number was determined and why this cannot be a larger figure, and why additional use groups that would provide community benefit, such as affordable and senior housing, were not included.

- The proposed action would locate one level of parking below the new Manhattan detention facility. Please address why this cannot be two or more levels, including confirmation of residents reports of a subterranean river at the proposed site and any inspection and environmental review that would be included if there is a waterway at this location.
- Address how the land on Rikers Island and the decommissioned Rikers Island Correctional Facility will be maintained for public use and identify a method to make this commitment.
- Investigate and address any safety issues in the project study area that have occurred in past ten years due to the existing Manhattan Detention Complex at 124 White Street and 125 White Street, and address how any increased safety concerns as a result of doubling the number of beds and jail population in the area will be mitigated.
- Address how a doubling of staff needed for the proposed new Manhattan detention facility will impact parking and traffic problems, including the identification of mitigations.
- Address how parking concerns will be mitigated, including excessive placard parking from court employees in the study area currently.
- Study the impacts of traffic patterns that would be generated by the demapping of Hogan Place, particularly on the streets surrounding Columbus Park.
- Address how retaining the current façade at 80 Centre St to mitigate historical significance will impact programming by restricting design and how it will impact creation of one or two levels of underground parking.
- Study the impact that façade preservation or other historic preservation would have on the potential future uses of 80 Centre Street.
- Evaluate scenarios that will link the Manhattan detention facility to the community such as changing the staff lunch periods to one hour instead of a half hour so that they could patronize local businesses.
- The study area is limited to 400 feet around the proposed facility. It is certain that some of relocation and environmental impacts will occur outside of the 400 feet study radius, therefore, please expand the study area radius to an appropriate distance and address why the proposed study area is not wider.
- Evaluate any and all reasonable alternative sites within ¼ quarter mile of the current court complex.
- Address why 125 White Street was no longer included in the re-design plans.
- Evaluate an alternative scenario where the detention facility is located within a renovated and reconstructed 125 White Street complex.
- Address specifically how any identified construction impacts will be mitigated and commit to interagency coordination, including area stakeholders, as well as mitigation that will incorporate a multi-agency command center.
- Address how construction staging on Worth Street will impact three funeral homes and any other local businesses, and identify how these impacts will be mitigated.
- Address the historic and cultural significance of 80 Centre Street in the context of its eligibility for National Register of Historic Places and any eligibility for New York City landmark designation, as well as any eligible sites in the designated study area, including preservation considerations.
- Address the impact of the proposed design-build process, including the role and opportunity for community engagement, public review, and participation in the entire process including RFP, design, construction and initial operations.
- Address the impact of a proposed building that would be 40-stories, and evaluate alternative scenarios with shorter building proposals.

- Address the impacts on small businesses after build out as well as during the construction period.
- Address the impacts the proposed actions would have on the function and use of government offices and facilities, including the impacts on the Manhattan District Attorney's Office cybercrime lab and informational technology infrastructure and tourism associated with the New York City Marriage Bureau, as well as the impacts of the displacement of these government offices on the surrounding community and local economy.

THEREFORE BE IT FURTHER RESOLVED, Community Board 3 requests that related developments that the proposed actions would facilitate also be considered at this time, including any and all related community benefits and the potential redevelopment of vacated sites for community uses, including a commitment to using community and stakeholder input provided from a process of engagement for any visioning and planning for the future of these sites, and a timeline be provided for the earliest possible implementation of the process.

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding September SLA item 8)

36 YES 1 NO 0 ABS 0 PNV MOTION PASSED (September SLA item 8)

Transportation Committee

3. NY City Transit: presentation on work to construct emergency ventilation plant on Forysth btwn Delancey / Rivington St
no vote necessary

4. Bike Corral for 218 E 10th St (Rai Rai Ken)

VOTE: TITLE: Installing a Bike Corral for 218 E 10th St (Rai Rai Ken)

WHEREAS, Rai Rai Ken has applied to NYC Department of Transportation for an on-street bike parking corral in front of their restaurant; and

WHEREAS, there are currently no bicycle parking racks on that block, leading to a chronic problem of bikes being chained to scaffolding, sign posts, and bus stops, interfering with the flow of pedestrians; and

WHEREAS, the proposed location for this bike corral meets DOT's siting requirements, namely that the curbside lane in front of the applicant's business is never used for through traffic; the corral is not within 15 feet of a hydrant; and the racks will be located so as not to obstruct any utility covers, crosswalks, or driveways; and

WHEREAS, this bike corral will provide parking for eight bicycles replacing one car parking space, helping to free the sidewalks of clutter caused by illegally parked bikes on private building's fences; and

WHEREAS, Rai Rai Ken has agreed to maintain the corral by keeping it clear of debris and snow, maintaining the planters, and reporting abandoned bikes; and

THEREFORE BE IT RESOLVED that CB3 supports the proposal for a bike parking corral in front of Rai Rai Ken at 218 E 10th Street

5. 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. Parks Dept Presentation: Proposed mural for the Playground One basketball courts
no vote necessary
3. Basketball City: update on community benefits
no vote necessary
4. DSNY: Use of portion of Pier 36 for CB 6 DSNY equipment and reactivation of Section Station at 155-157 First Ave, all due to DSNY eviction from CB 6 garage
no vote necessary
5. Riverkeeper: Presentation on proposed storm surge barriers for New York Harbor
no vote necessary

- 6. Parks manager update
no vote necessary
- 7. Vote to adjourn
approved by committee

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Landmarks Committee

meeting was canceled

Vote to adjourn

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

David Adams	[A]	Dean Diongson	[P]	Michael Marino	[P]
Yaron Altman	[P]	Alistair Economakis	[P]	Jeremy Markman	[P]
Jesse Beck	[A]	Shirley Fennessey	[P]	Antonio Martinez	[P]
Dominic Berg	[P]	David Ford	[P]	Alexandra Militano	[P]
Lee Berman	[P]	Ryan Gilliam	[P]	Nancy Ortiz	[P]
Victoria Berrios	[P]	Debra Glass	[P]	Carolyn Ratcliffe	[P]
Karen Blatt	[A]	Herman F. Hewitt	[P]	Damaris Reyes	[P]
Lisa Burriss	[A]	Trever Holland	[P]	Richard F. Ropiak	[A]
Karlin Chan	[A]	Linda Jones	[P]	Robin Schatell	[P]
Jonathan Chu	[P]	Vaylateena Jones	[P]	Laryssa Shainberg	[A]
MyPhuong Chung	[P]	Meghan Joye	[P]	Clint Smeltzer	[P]
David Crane	[P]	Lisa Kaplan	[P]	Anisha Steephen	[A]
Nina d'Alessandro	[A]	Olympia Kazi	[P]	Sandra Strother	[P]
Je'Jae Daniels	[A]	Joseph Kerns	[P]	Josephine Velez	[A]
Paul DeRenzo	[A]	Mae Lee	[P]	Rodney Washington	[A]
Eric Diaz	[P]	Alysha Lewis-Coleman	[P]	Kathleen Webster	[P]
Daniel Dickson	[P]	Luis Lopez	[P]		

Meeting Adjourned