



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

December 2020 Full Board Minutes

Meeting of Community Board 3 held on Thursday, December 17, 2020 at 6:30pm via Zoom.

Public Session:

- *Vaylateena Jones (LES Power Partnership)* – Concerned about the plan for Pier 42, specifically the tennis courts and basketball courts and whether they were the best use of the space for the community.
- *Sara Chien* – There are 11 artists joining together to figure out a space for dance and in the organizing learned about the Charas space. Met with Jody Oberfelder, who is a former tenant and dancer, and learned that CB3 is working on returning it to an arts space.
- *Jody Oberfelder* – Would like to see Charas used again for artists.
- *Jennifer Dong (NYU Langone Vaccine Center)* – Hope to be offering some optimism in the face of fear, using fact-based well proven scientific methods. Vaccines work by fighting invaders. Started US immunization program this past week. Want to continue providing education to the communities to understand that vaccines are safe.

Public Officials:

Mayor Bill de Blasio, Andrew Kunkes:

Public Advocate Jumaane Williams, Phillip Ellison:

- Just released worst landlords announcement. This is a traditional announcement, but big data came together with advocates and the PA's office to use it for immediate turnaround and accountability. Shaming them in the news turns into real results.

Comptroller Scott Stringer, Luke Wolf:

- Calling for the city to support small businesses through online shopping portals and also to allow outdoor shopping

Borough President Gale Brewer:

- Working with Susan on bicycle racks for places that delivery people congregate
- Helicopter task force had a meeting with the Eastern Helicopter Association for people who are interested in this issue
- Community board applications are due February 1, 2021

Congressmember Nydia Velazquez, Lingxia Ye:

- No report

Congressmember Carolyn Maloney, Victor Montesinos:

- Rep. Maloney is the author of the Corporate Transparency Act to prevent shell companies

Assemblymember Yuh-Line Niou:

- Majorly in support of all revenue raising activities, as of Jan 5 there will be a super majority. Hold up has been frustrating and startling that they haven't been called back to have another session
- Have duty to pass a balanced budget but right now no supermajority

Assemblymember Deborah J. Glick:

- Working on sustainable wind energy to help bird strikes
- Bill to end "killing contests"
- While Noho/Soho are not in CB3 and some of the proposals would have a ripple effect in Board 3

Assemblymember Harvey Epstein:

- Working on revenue raising

State Senator Brian Kavanagh:

- Evictions are housing are short term concerns. Governor announced there is an extension of a short term rent relief. Will re-open application process through February 1 and open some of the eligibility requirements. But right now there isn't a blanket moratorium – it's more of a patchwork. This is not a

time to be evicting people for both moral and public health reasons.

State Senator Brad M. Hoylman, Caroline Wekselbaum:

- All updates in board report: https://drive.google.com/file/d/1hrsqCA0zHGInzD-M4JPQU20ZSDcDaP2O/view?usp=sharing&usp=embed_facebook

Councilmember Margaret Chin, Kana Ervin:

- No report

Councilmember Carlina Rivera, Isabelle Chandler:

- At the end of the toy drive collection for local children in the community, can drop off more at 245 East 4th Street
- Very happy about passing the walking while Trans ban

Members Present at First Vote:

David Adams	[P]	Linda Jones	[P]	Damaris Reyes	[A]
Yaron Altman	[A]	Vaylateena Jones	[P]	Richard Ropiak	[P]
Jesse Beck	[P]	Tatiana Jorio	[P]	Thomas Rosa	[P]
Dominic Berg	[A]	Lisa Kaplan	[P]	Robin Schatell	[A]
Lee Berman	[P]	Olympia Kazi	[A]	Heidi Schmidt	[P]
Karlin Chan	[P]	Joseph Kerns	[A]	Laryssa Shainberg	[P]
Jonathan Chu	[A]	Michelle Koppersmith	[P]	Clint Smeltzer	[P]
David Crane	[P]	Mae Lee	[P]	Anisha Steephen	[P]
Felicia Cruickshank	[P]	Wendy Lee	[P]	Sandra Strother	[A]
Eric Diaz	[P]	Alysha Lewis-Coleman	[P]	Josephine Velez	[P]
Alistair Economakis	[A]	David Louie	[P]	Troy Velez	[P]
Shirley Fennessey	[P]	Ellen Luo	[P]	Rodney Washington	[P]
Ryan Gilliam	[P]	Michael Marino	[P]	Kathleen Webster	[P]
Debra Glass	[P]	Alexandra Militano	[P]	Jacky Wong	[P]
Andrea Gordillo	[P]	Michael Perles	[P]	Ricky Wong	[P]
Herman Hewitt	[P]	Tareake Ramos	[P]		
Trever Holland	[P]	Paul Rangel	[P]		

Minutes:

Minutes of October 2020 were approved, as is.

40 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Board Chairperson's Report:

Chairperson Alysha Lewis-Coleman

- Please everyone show up to your committees – your attendance is important
- The Middle Collegiate Church is seeking donations to support their loss
- Arts & Culture subcommittee is undergoing a reconstruction and is seeking new membership
- Please raise your hand if you have any ideas for the holiday party

District Manager's Report:

District Manager Susan Stetzer

- Office is getting twice weekly updates from DOB about Middle Collegiate Church – right now they know that the liberty bell and the steeple/frame for the steeple can be saved. The Hopper House suffered smoke and water damage
- There was a garbage fire at Charas the other night and DOB is paying attention to it but please call 311 if you see something happening there
- Office is meeting with test & trace regularly

Committee Reports:

Executive Committee

- NYCHA Blueprint for Change

VOTE: TITLE: Recommendations for NYCHA Blueprint for Change

WHEREAS, the New York City Housing Authority (NYCHA) has proposed the Blueprint for Change plan, in an effort to restore every NYCHA residential unit to a state of good repair and ensure the long-term financial viability of the system; and

WHEREAS, NYCHA currently has approximately \$40 billion in capital needs and only \$3.3 billion dollars in secured capital funding; and

WHEREAS, to address these repairs needs, the NYCHA 2.0 plan proposed the conversion of NYCHA Section 9 units to project-based Section 8 housing under the RAD/PACT conversion program, which transfers management to the private sector and allows private financing of repairs; and

WHEREAS, while 62,000 NYCHA apartments are currently targeted for RAD/PACT conversion, the Blueprint for Change proposes a complimentary path to address this capital shortfall and fund repairs and long-term operational improvements so that the remaining 110,000 apartments in the NYCHA portfolio can meet all housing quality and building code standards; and

WHEREAS, this plan involves the creation of a public entity known as the Public Housing Preservation Trust, which would become the owner of the remaining 110,000 apartments through project-based Section 8 conversions, with NYCHA maintaining management and operations of the apartments, and repairs financed through federal Tenant Protection Vouchers (TPVs), which provide reliable revenue that can be borrowed against to generate very significant capital; and

WHEREAS, the Public Housing Preservation Trust would be a public entity in the model of the School Construction Authority, with NYCHA entering into a long-term ground lease with the newly created Trust—meaning that NYCHA retains ownership of the land and buildings, entering in to a long term lease of the buildings to the new Preservation Trust entity, and contracts back to NYCHA for the management and operation of those buildings; and

WHEREAS, this would retain the existing NYCHA union workforce as well as public ownership and management of NYCHA land and buildings, while accessing federal revenue streams and borrowing capacity through TPVs which are not currently available to Section 9 NYCHA units and which will likely significantly exceed the funding that would be appropriated for Section 9 building repairs through the federal Public Housing Capital Fund; and

WHEREAS, a number of NYCHA residents and advocates from Community District 3 came to the Community Board 3 NYCHA & Section 8 Subcommittee meeting on December 14th and raised their concern that despite NYCHA's outreach effort, many tenants still do not have a clear or deep understanding about the plan, among other concerns;

WHEREAS, creating the Preservation Trust demands meaningful resident participation and feedback and the COVID-19 pandemic limits traditional public-engagement activities by halting in person meetings and presentations about the plan, and

THEREFORE BE IT RESOLVED, Community Board 3 recommends pausing the Blueprint for Change planning process at this point in time until a number of outstanding questions about the plan's details and concerns about sufficient outreach can be addressed, including:

- COVID-19 has restricted all in-person meetings and virtual-only presentations have become the only option, which has created a significant barrier for participation due to technology and language limitations. This makes the adequacy of outreach and engagement at this point in time questionable and risks missing significant numbers of NYCHA residents who are either pre-occupied with side effects of the national emergency or are simply unable to participate in virtual meetings. NYCHA must develop an outreach plan to address this problem.
- There must be stronger language in the Preservation Trust plan enshrining existing NYCHA Section 9 tenant protections, which should be carried over after a Preservation Trust conversion and improved upon. Current language states that protections be "consistent with" current public housing protections. Residents need protections that would not be consistent with, but go further than today's federal standards to ensure the deeply affordable rents as well as housing security and tenant participation in governance is not lost.
- There must be clearer and more stringent requirements for transparency and public review of Preservation Trust plans, including considering open Preservation Trust board meetings, public review of annual draft plans, publicly available plan audits, and generally more robust public engagement beyond the minimum consultation requirements in the HUD Section 18 Disposition rules. NYCHA Developments scheduled for Preservation Trust conversion should have local public hearings to engage residents most impacted by the change.

- Given the track record of issues around monitoring NYCHA buildings for health and safety standards, there must be clearer information provided about what protections will be in place to ensure regular and robust inspection of Preservation Trust conversions and guarantee that the strongest protections possible for building quality and safety will be in place, as well as an explanation of how this monitoring would compare to Section 9 and RAD/PACT conversions.

39 YES 0 NO 2 ABS 0 PNV MOTION PASSED

Land Use, Zoning, Public & Private Housing Committee

1. Approval of previous month's minutes and roll call (minutes are deemed approved if no objections) approved by committee
2. Referral back to committee for Land Use Application N210095 ZRY "Zoning for Coastal Resiliency" Citywide Zoning text amendment

VOTE: TITLE: N210095ZRY - "Zoning for Coastal Flood Resiliency" Citywide Zoning Text Amendment

WHEREAS, the New York City Department of City Planning (DCP) has proposed a new zoning text amendment, referred to as the Zoning for Coastal Flood Resiliency (ZCFR) text amendment; and

WHEREAS, Community District 3 was severely impacted by coastal flooding from Hurricane Sandy in 2012 and remains vulnerable to coastal flooding with significant portions of the district lying within the 1% and 0.2% annual chance floodplains—including more than 27,000 dwelling units in the 0.2% floodplain¹—which underlines the importance of these zoning regulations; and

WHEREAS, the ZCFR text amendment updates and makes permanent zoning rules that were put in place after Hurricane Sandy in an emergency and temporary fashion; and

WHEREAS, these rules largely relate to Appendix G of the New York City Building Code, which governs buildings in the 1% annual chance floodplain and requires habitable spaces in new and rehab construction to be raised above the Design Flood Elevation, with everything beneath that elevation required to be wet-floodproofed (for residential uses) or dry-floodproofed (for non-residential uses); and

WHEREAS, because these requirements can be quite restrictive, in the wake of Hurricane Sandy temporary zoning texts were adopted in 2013 and 2015 on an emergency basis to allow increased flexibility for buildings in the coastal floodplain to rebuild and retrofit for resiliency, but those regulations are set to expire; and

WHEREAS, ZCFR would make these emergency regulations permanent, extend the new zoning rules to cover a larger area, and add additional zoning rules to address issues that have arisen since the emergency rules were implemented; and

WHEREAS, ZCFR does this by:

- 1) Expanding the option of Appendix G regulations for flood-resistant construction standards to buildings in the 0.2% annual chance floodplain;
- 2) Determining Appendix G eligibility based on zoning lot rather than individual building, thus expanding qualifying areas;
- 3) Providing additional building height and allowing new reference planes for height measurements when building owners opt in or are required to comply with Appendix G floodproofing standards, so that no living spaces are located below the flood elevation but owners do not lose net habitable spaces in their buildings;
- 4) Making modifications to the Quality Housing program to promote lower building scale by allowing minimum base heights to continue to be measured from the base plane rather than the new reference plane, so setbacks in buildings can be closer to the ground and base heights can be lower;
- 5) Providing a full floor area exemption to wet-floodproofed ground floor spaces;
- 6) Providing floor area exemptions for the first 30 horizontal feet of non-residential floor space in Commercial and M1 Districts for buildings that employ dry-floodproofing;
- 7) Removing floor area exemptions for low-quality below-grade spaces such as cellars and basements;
- 8) Adjusting street wall requirements to accommodate exterior stairs, ramps, and flood panels;

¹ NYC Department of City Planning "Community District Profiles – Manhattan Community District 3" <<https://communityprofiles.planning.nyc.gov/manhattan/3>>

- 9) Subjecting blank walls created by floodproofing requirements to streetscape rules that add elements such as planting, street furniture, or artwork;
- 10) Creating a Board of Standards and Appeals ground floor use special permit allowing for ground floor office use in residential districts to encourage more options for ground floor uses in dry-floodproofed buildings;
- 11) Creating additional bulkhead and height allowances to facilitate the relocation of mechanical equipment from basements and cellars to the top of buildings and allowing new utility structures as a permitted obstruction on properties larger than 1.5 acres;
- 12) Allowing flood barriers to be considered as permitted obstructions in required open areas, including landscaped berms and their associated floodgates which were not previously allowed;
- 13) Allowing space used for the storage of temporary flood panels to be exempted from floor area calculations;
- 14) Permitting the construction of bi-level esplanades that facilitate waterfront public access and raising the required level of visual corridors on upland streets from three feet above curb level to five feet
- 15) Allowing appropriately scaled power systems (generators, solar energy systems, fuel cells, batteries, etc.) to be considered as permitted obstructions in required open areas;
- 16) Classifying both ramps and lifts as permitted obstructions in all required open areas to improve accessible design standards;
- 17) Prohibiting the development of new nursing homes and restrict enlargement of existing facilities in the 1% annual chance floodplain
- 18) Creating a disaster recovery provision that would be available as a text amendment when a disaster occurs, providing a framework to allow uses in zoning districts where they are not typically permitted, and providing relief from other zoning rules for a length of time to be determined based on the disaster when the text amendment is approved;

THEREFORE BE IT RESOLVED, Community Board 3 disapproves of application N210095ZRY, the "Zoning for Coastal Flood Resiliency" citywide zoning text amendment with following concerns and observations:

- 1) The ZCFR is well intentioned in its efforts to address the critical issues New York City faces as climate change and coastal risk threaten a significant portion of the infrastructure of our city, including a very vulnerable portion of Manhattan CB 3; and
- 2) These regulations rely on floor area exemptions to facilitate the floodproofing of ground floor spaces and to encourage elevation of mechanical infrastructure in new and substantially improved buildings, and while these exemptions cannot exceed the ground floor area of the building, it does provide owners with an opportunity to move one floor of developable floor area to a higher elevation; and
- 3) These regulations are easier for highly capitalized new developments to take advantage of and the same regulatory incentives are not as financially viable for existing building owners and may further exacerbate built fabric inequities in CB 3 with newer buildings having stronger resiliency infrastructure in place; and
- 4) Zoning may not be the best way to address particularities of the various neighborhoods most at risk, and particularly it does not address the needs of higher density existing buildings which are not required to renovate and which, because they may house low- and moderate-income residents, do not have sufficient funds to make the significant investments in resiliency improvements that the ZCFR permits. To accommodate real resiliency in our community subsidies would be necessary; and
- 5) CB 3 is concerned that because the ZCFR concentrates on issues related to development in the flood plain, however, there is considerable thought that because of on-going climate change, development in such vulnerable areas should be curtailed and redirected to more sustainable areas. It behooves the City to think more comprehensively about this question; and
- 6) CB 3 is concerned about the provision of the ZCFR relating to grandfathered non-conforming commercial uses in residential districts (Section 65-13, "Discontinuance Provisions"). CB 3 has had a large number of complaints over the past 10 years because of conflict between businesses and residents caused by grandfathered nonconforming commercial uses on residential streets. Examples of this are generally bars open until 4 a.m. on residential streets with bedrooms on the street. This was caused by lack of enforcement to zoning regulations for many years. This commercial use reverts back to residential use, providing much-needed housing, when vacant for 2 years. The current amendment would extend this 2-year period of vacancy to revert back to residential; and
- 7) CB 3 objects to the provision of the ZCFR which imposes a particularly harsh restriction on nursing homes. Nursing home beds are needed in Community District 3 and limiting their expansion in the flood plain would rule out a significant part of the district for potential expansion of this important use. Other critical medical facilities such as hospitals, community health clinics and supportive

housings are not limited by the ZCFR, and the risk posed to nursing home facilities located in flood prone areas should be mitigated by emergency protocols and infrastructure upgrades rather than zoning.

3. Vote to adjourn
approved by committee

39 YES 0 NO 2 ABS 0 PNV MOTION PASSED

Transportation, Public Safety, & Environment Committee

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

Joint Parks / Transportation Committees

2. Proposed conversion of Robert F Wagner Sr Place to one-way between South St and South St Turning Slip in connection with BMCR project

VOTE: TITLE: Conversion of Robert F Wagner Sr Place to One-way in Connection with BMCR Project

WHEREAS, the Brooklyn Bridge – Montgomery Coastal Resilience project (BMCR), which will provide flood protection along the coastline in the Two Bridges neighborhood through a series of flood walls and deployable flip-up barriers, is currently being designed; and

WHEREAS, to complete the flood protection system, construction is proposed for a new interceptor gate building at the corner of Robert F. Wagner Sr. Place and South Street; and

WHEREAS, to accommodate the new building, modifications to traffic patterns and street conditions at Robert F. Wagner Sr. Place and South Street are being proposed including:

- 1) Making Robert F. Wagner Sr. Place a one-way north bound traffic street
- 2) Removing the south bound traffic lane on Robert F. Wagner Sr. Place and building out the sidewalk to create space for the interceptor gate building and a generator staging area
- 3) Adding bollards on the new sidewalk at Robert F. Wagner Sr. Place
- 4) Realigning the curb at Robert F. Wagner Sr. Place and South Street to create shorter crosswalk
- 5) Providing a direct access connection from the DOT vehicle yard to South Street

WHEREAS, several community members expressed concerns with pedestrian safety along the entire BMCR project area especially at the intersections; and

THEREFORE BE IT RESOLVED, Community Board 3 requests the following additional elements be added to the plan:

Increase protections for pedestrian safety on the Robert F. Wagner Sr. Place and South Street sidewalks by adding-additional extended bollards on Robert F. Wagner Sr. Place, including considering removable/retractable bollards, to provide more protection for pedestrians while not blocking access to the portable generator space when needed

- Adding bike lane traffic signals in the bicycle lane to coincide with automobile traffic signals to protect pedestrians crossing South Street at Catherine Slip, Market Slip, Pike Slip, Rutgers Slip and Montgomery Street
- Add rumble strips, in the bike path perpendicular to the bike path to slow cyclist traffic and protect pedestrians
- Add a dedicated lane for joggers and pedestrians along the BMCR South Street stretch from Montgomery Street to the Brooklyn Bridge

Transportation Committee

3. Proposed change in signage on Attorney St between E Houston and Stanton St to Alternate Side Parking

VOTE: TITLE:

WHEREAS, Community Board 3 has received many complaints from residents about parking conditions on Attorney Street between East Houston Street to the north and the cul-de-sac adjacent to Nathan Straus playground to the south; and

WHEREAS, this location has several unique features that contribute to conflicts around parking, including:

- 1) The last remaining auto body shop on Attorney Street (Ludlow Garage at 151 Attorney Street), a block that previously had several commercial establishments with auto repair uses and significant truck loading needs, but is now primarily residential;

- 2) "Truck Loading Only 7 am - 6 pm" regulations on the north half of the west side of the street, "No Parking Mon-Fri 7 am - 6 pm" regulations on the south half of the west side of the street, and "No Parking 7 am – 6 pm Except Sunday" regulations on the east side of the street;
- 3) A cul-de-sac one block to the south, below Stanton Street, where there is very limited through traffic but significant use as a parking location and social destination; and

WHEREAS, the complaints Community Board 3 receives are largely focused on two issues:

- 1) Illegal parking in the cul-de-sac, particularly in "No Parking Any Time" spots, which consists of both personal vehicles and vehicles related to business operations at Ludlow Garage at 151 Attorney Street
- 2) Illegal reserving of on-street parking with safety cones and parking on the sidewalk on Attorney Street, related to the business operations of Ludlow Garage at 151 Attorney Street

WHEREAS, this creates problems for residents and the local business, including

- 1) Lack of effective street cleaning operations in the cul-de-sac which is obstructed by illegally parked vehicles
- 2) Obstruction of sidewalk accessibility with parked vehicles on Attorney Street
- 3) Large volumes of fines and summonses accruing for the business owner due to parking violations and no viable alternative for parking vehicles related to business operations.

WHEREAS, after working with the NYPD 7th Precinct, who were in regular contact with the Ludlow Garage management, it became clear that a significant source of the issue around parking in this area is due to parking regulations that were appropriate when Attorney Street had a more commercial character, but which now make it difficult for the one commercial business to operate and store vehicles that do not have commercial license plates, and which are inappropriate for residential tenants; and

WHEREAS, a change in parking regulations on Attorney Street between East Houston Street and Stanton to a traditional Alternate Side Parking arrangement would provide more functional parking spaces for the remaining business as well as residents in the immediate area, as well as relieving the illegal parking issues and conflicts in the adjacent cul-de-sac;

THEREFORE BE IT RESOLVED, Community Board 3 supports a change of parking regulations on Attorney Street between East Houston Street and Stanton Street for those portions that are currently no parking to an alternate side parking arrangement. The north half of the west side of the block should be converted to signage that allows for truck loading and unloading; and

THEREFORE BE IT FURTHER RESOLVED, Community Board 3 requests that the Department of Transportation produce a plan for an efficient and appropriate alternate side parking schedule that serves both local residents and the current commercial businesses in the area.

THEREFORE BE IT FURTHER RESOLVED, Department of Transportation should come back to CB3 to notify us of the evaluation.

4. DOT: Citibike infill updates
no vote necessary
5. Update regarding ongoing traffic issues
no vote necessary
6. Planning for January town hall for residents and businesses regarding Open Restaurants and Open Streets: Restaurants programs
no vote necessary
7. Vote to adjourn
approved by committee

39 YES 0 NO 2 ABS 0 PNV MOTION PASSED (excluding Transportation amendment)

38 YES 0 NO 3 ABS 0 PNV MOTION PASSED (Transportation amendment)

Economic Development Committee

1. Approval of previous month's minutes and roll call (minutes are deemed approved if no objections) approved by committee

Joint Economic Development / Arts & Culture Minutes

2. Support for NYC Council proposed legislation Intro 2068 to facilitate outdoor performances

VOTE: TITLE: CB3 Supports the NYC Council Bill Intro 2068-2020 to facilitate outdoor performance permits for impacted Arts & Cultural organizations

Whereas, proposed legislation Intro 2068-2020 would facilitate outdoor art events and performances produced by established organizations impacted by Covid-19; and

Whereas, CB3 understands that this proposal will at first be limited to the City Open Streets Program; and

Whereas, CB3 recognizes that the City has as yet failed to contemplate the possibility of cultural institutions utilizing open streets, or any public space, while permitting open restaurants and dining and expanded pedestrian use; and

Whereas, it has been a great loss to the City as a whole that in the warm summer and fall months of the 2020 outdoor arts and cultural programming was banned; and

Whereas, artists, cultural workers and arts and cultural organizations of all sizes including many located in CD3 have been impacted to a devastating degree by Covid-19. The sector lost 69.2% of its total jobs since February 2020 according to Center for an Urban Future "Art in the Time of Coronavirus: New York City's Small Arts Organizations Fighting for Survival;" and

Whereas, the impact of the loss of accessibility to the performing arts has also had a detrimental effect on the emotional health of our community; and

Therefore, we urge the City to allow established arts and cultural organizations to hold outdoor performances accessible to the general public as this would allow performers to go back to work and funnel funds to support the broader economic ecosystem; and

Therefore CB3 further recommends amending City Emergency Executive Order 148 to allow amplified sound for outdoor performances which would be regulated by existing local, state and Federal guidelines; and

Therefore, CB3 exhorts the City to establish clear guidelines and parameters for its Open Streets Program that will accommodate permitted outdoor performances and their enforcement; and

Therefore, CB3 supports Intro 2068-2020 which would benefit CD3 arts and cultural communities and the overall local economy.

Economic Development Committee

3. Update on Special District
no vote necessary
4. Vote to adjourn
approved by committee

39 YES 0 NO 2 ABS 0 PNV MOTION PASSED

Parks, Recreation, Waterfront, & Resiliency Committee

1. Approval of previous month's minutes and roll call (minutes are deemed approved if no objections) approved by committee
2. DDC: East Side Coastal Resiliency Update
no vote necessary
3. DDC: ESCR Signage and Wayfinding Design
withdrawn
4. Parks Manager Update
no vote necessary
5. NYC Soccer Initiative: proposal for soccer pitch at Lillian Wald Playground at PS 188 / Island School

VOTE: TITLE: Support for the installation of a Soccer Pitch at PS 188, located at 442 East Houston Street

WHEREAS, the NYC Soccer Initiative is proposing the installation of an acrylic mini-pitch soccer play space at PS 188, located at 442 East Houston Street; and

WHEREAS, though it would be built on public land, the installation is funded privately and comes with a maintenance fund of \$600,000, and the program has a track record of partnerships with Parks, NYCHA, and DOE; and

WHEREAS, the mini-pitch installation will allow for the preservation of the existing basketball court; and

WHEREAS, the NYC Soccer Initiative will also include free after school programming in coordination with DYCD called "Soccer for Success" which provides structured physical activity, educational sessions on nutrition, and mentoring, and would be offered 3 days per week for 24 weeks per year; and

WHEREAS, this is a long term program engages young people in soccer tied to academic and creative development; and

WHEREAS, the proposed installation has the support of the PS 188 community and school administration, as evidenced by a letter sent to the Community Board by Principal Suany Ramos on December 2nd, 2020; and

WHEREAS, CB 3 recognizes and supports that PS 188 serves many students living in shelters (nearly 50% of enrolled students) and has a disproportionately high representation of at risk students; and

WHEREAS, the installation would take place over 3-6 weeks in the Spring-Summer of 2021; and

WHEREAS, for the past 10 years, the NYC Soccer Initiative has been delivering a variety of afterschool programs that serve ages 5-24, including a Free 10 week program connected to health initiatives, a soccer robotics program, STEM afterschool clubs and other programs that tie in academic and college readiness; and

WHEREAS, CB 3 has previously supported NYC Soccer Initiative pitch installations in the district;

THEREFORE BE IT RESOLVED, Community Board supports the installation of a soccer pitch at PS 188, located at 442 East Houston Street, with the following conditions:

- Outreach must be conducted to NYCHA residents at the Lillian Wald, Baruch, and Jacob Riis Houses;
- After school programs should be designed to serve all children from the community, regardless of whether they attend PS 188;
- The initiative should partner with local groups and community based organizations for programming;
- Priority access should be given for local community use;
- The programming and use of the pitch should remain free;
- There must be an appropriate allocation of maintenance given local needs;
- The space should not be programmed at all times, and should strike a balance between programming and/or league use and free open time; and
- The Initiative must make best efforts to green the area, in partnership with local organizations.

6. Vote to adjourn
approved by committee

39 YES 0 NO 2 ABS 0 PNV MOTION PASSED

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

1. Approval of previous month's minutes and roll call (minutes are deemed approved if no objections)
approved by committee
2. Informational presentation from Dept for the Aging on New Friendly Voices: a volunteer initiative to limit social isolation during COVID 19
no vote necessary
3. CCSE/CCD75: Concerns about COVID-19 testing in District 75 schools and Special Education students
no vote necessary
4. CAB/CEC reports
no vote necessary
5. Vote to adjourn
approved by committee

39 YES 0 NO 2 ABS 0 PNV MOTION PASSED

SLA & DCA Licensing Committee

1. Approval of previous month's minutes and roll call (minutes are deemed approved if no objections) approved by committee

Hotel Applications

2. Orchard Street Hotel (Nadico Hotel LLC & Bridgeton Hotel Management), 163 Orchard St btwn Stanton & Rivington Sts (class change/wb)

VOTE: TITLE: COMMUNITY BOARD 3 RESOLUTION APPROVING THE HOTEL WINE LICENSE FOR NADICO HOTEL LLC AND BRIDGETON HOTEL MANAGEMENT, FOR 163 ORCHARD STREET, NEW YORK, NEW YORK, SUBJECT TO CERTAIN RESTRICTIONS ON USE

WHEREAS, the applicant, Nadico Hotel LLC and Bridgeton Hotel Management, by its qualified representative or principal, is seeking to obtain a hotel wine license for an eleven (11) story hotel, doing business as The Orchard Hotel located at 163 Orchard Street, between Stanton Street and Rivington Street, New York, New York; and

WHEREAS, the applicant is seeking a change in class of its tavern wine license for the second floor to a hotel wine license for its entire premises; and

WHEREAS, said applicant will maintain the primary method of operation of said location for lodging, with entrances on both Orchard Street and Allen Street, and will operate the following amended ancillary public uses:

- 1) an interior first floor lobby waiting area, of approximately four hundred sixty (460) square feet, with a capacity of fifteen (15) people, lounge seating, food service from the second floor during its hours of operation, hours of operation of 12:00 P.M. to 12:00 A.M. Sundays through Wednesdays and 12:00 P.M. to 2:00 A.M. Thursdays through Saturdays and recorded background music; and
- 2) an outdoor second story open air bar cafe, of approximately one thousand four hundred (1,400) square feet, spanning the entire floor from Orchard Street to Allen Street with the facades on Orchard Street and Allen Street open from an approximate four (4) foot parapet to the ceiling, with a capacity of fifty (50) people, twenty (20) tables and forty-six (46) seats consisting of lounge seating and seats at tables, an eight (8) foot bar with six (6) stools, a prep area serving a limited menu, hours of operation of 12:00 P.M. to 1:00 A.M. Sundays through Wednesdays and 12:00 P.M. to 2:00 A.M. Thursdays through Saturdays, recorded background music and access through the hotel entrance on Allen Street; and
- 3) an exterior twelfth floor rooftop facing Orchard Street of four hundred forty-five (445) square feet, with a capacity of twenty-eight (28) people limited to only hotel guests, four (4) tables and twenty (20) seats, no bar or food service, hours of operation of 12:00 P.M. to 12:00 A.M. Sundays through Wednesdays and 12:00 P.M. to 1:00 A.M. Thursdays through Saturdays, recorded background music and access through the hotel lobby; and
- 4) an exterior ground floor seating area within the building line on Orchard Street, of approximately three hundred sixty (360) square feet, with four (4) tables and sixteen (16) seats, hours of operation of 12:00 P.M. to 10:00 P.M. Sundays through Wednesdays and 12:00 P.M. to 11:00 P.M. Thursdays through Saturdays and no music; and
- 5) an exterior ground floor seating area within the building line on Allen Street, of approximately four hundred (400) square feet, with four (4) tables and sixteen (16) seats, hours of operation of 12:00 P.M. to 11:00 P.M. Sundays through Wednesdays and 12:00 P.M. to 12:00 A.M. Thursdays through Saturdays and no music; and

WHEREAS, this applicant applied for a hotel liquor license before Community Board 3 in September of 2014, and was denied, in pertinent part, because 1) there was no public or community benefit in the addition of a hotel with a tavern in an area with forty-three (43) full on-premises liquor licenses within five hundred (500) feet of the applicant and given that the applicant stated that it intended to operate a travelers hotel for the "tech savvy traveler," and anticipated having hotel guests under the age of twenty-one (21) years, 2) there would be no restaurant in the hotel and its proposed point of sale for alcohol in its hotel was the open second floor, 3) its application materials were incomplete and without a description of its proposed public spaces, 4) it had failed to outreach to the local business improvement district, police precinct, community groups or residents about its proposed plan and had failed to furnish an adequate demonstration of support for its application, and 5) it had failed to

demonstrate that it had any experience operating a licensed business or operating any business within Community Board 3; and

WHEREAS, this applicant then applied for a full on-premises liquor license before Community Board 3 in December of 2014, and was denied, in pertinent part, because 1) there was no public or community benefit in the addition of a hotel with a tavern in an area with forty-three (43) full on-premises liquor licenses within five hundred (500) feet of the applicant and given that the applicant stated that it intended to operate a travelers hotel for the "tech savvy traveler," and anticipated having hotel guests under the age of twenty-one (21) years, 2) its proposed point of sale for alcohol in its hotel was the open second floor, 3) its application materials were incomplete and without a description of its proposed public spaces, 4) it had failed to outreach to the local business improvement district, police precinct, community groups or residents about its proposed plan and failed to furnish an adequate demonstration of support for its application, and 5) it had failed to demonstrate that it had any experience operating a licensed business or operating any business within Community Board 3; and

WHEREAS, this applicant then applied for a tavern wine license for its second floor before Community Board 3 in November of 2016, and was denied unless the applicant agreed that it would make as conditions of its license stipulations that it would 1) operate a tavern lounge on its second floor open-air terrace arcade, with a prep area serving food during all hours of operation, 2) not permit patrons to travel with alcohol from the second floor to other areas of the hotel and confine the service and sale of alcohol to the second floor, 3) not install a kitchen on the second floor as long as the second floor is an unenclosed arcade or terrace, 4) have hours of operation on its second floor open-air terrace arcade of 9:00 A.M. to 8:00 P.M. all days, 5) play no music of any type on its second floor open-air terrace arcade at any time and not have promoted events, scheduled performances or any event at which a cover fee would be charged, 6) not install or operate any speakers, televisions or monitors on its second floor open-air terrace arcade, 7) insure that soundproofing or sound baffling measures were constructed around the perimeter of this second floor open-air terrace arcade, consistent with the recommendations of a sound engineer, 8) install soundproofed barriers and planters to baffle noise travelling to the adjacent residential buildings on Orchard Street and Allen Street and prevent patrons from standing or sitting next to its open façades given that both the Orchard Street and Allen Street façades of the second floor are open to the outside, with an approximate four (4) foot parapet along the length of its facades which separates this floor from the outside, 9) have "happy hours" between 5:00 P.M. and 8:00 P.M. each day on its second floor open-air terrace arcade, 10) not host pub crawls or party buses at its business, 11) not have unlimited drink specials, with or without food at its business, 12) have its entrance to the second floor tavern lounge through the stairs or elevator accessed by entering the hotel lobby through the hotel entrances on Orchard Street and Allen Street, 13) not add any exterior lighting to its façade and have existing exterior lights at low levels and directed down or away from neighboring windows, 14) not have wait lines outside, including on any ground floor property within its building line on Orchard Street or Allen Street, and have staff people outside its business to ensure no loitering, crowds or noise outside, 15) not apply for an alteration in its method of operation without first appearing before Community Board 3, 16) not seek a change in class of its liquor license without first obtaining the approval of Community Board 3, 17) conspicuously post this stipulation form beside its liquor license inside of its business, and 18) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, the applicant was issued a tavern wine license by the SLA on August 22, 2017; and

WHEREAS, said hotel is located in an approximate two (2) block area housing well over sixty (60) liquor licensed premises, including numerous hotels; and

WHEREAS, as a consequence of the numerous licensed businesses within this small geographic area, including the numerous hotel licenses and despite suspended and modified business operations during this pandemic, the area is plagued by late night noise from businesses and from people on the sidewalks and street, as well as from pedestrian and traffic congestion on the streets and sidewalks; and

WHEREAS, despite the applicant's assertion that its proposed public areas are not near residential windows, the proposed second floor open air bar cafe is adjacent to residential apartment buildings on both Orchard Street and Allen Street and within a few feet of residential apartment windows; and

WHEREAS, although the applicant has informed the community board that it is willing to enclose its second-floor arcade terrace, the applicant as of now has not obtained any plans from the New York City Department of Buildings to further enclose this area; and

WHEREAS, this applicant has provided no documentation of soundproofing of this area which was a stipulation for approval of its tavern wine license but has now stated that sheetrock has been installed on the north and south walls of the second floor and there are plastic nana walls enclosing the area above the parapet walls facing Orchard Street and Allen Street; and

WHEREAS, given these circumstances, Community Board 3 will approve this application for a hotel wine license with stipulations governing the use of the proposed public areas; now

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the change in class of a tavern wine license for the second floor to a hotel wine license for the entire premises for Nadico Hotel LLC and Bridgeton Hotel Management, for an eleven (11) story hotel, located at 163 Orchard Street, between Stanton Street and Rivington Street, New York, New York, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations, that

Generally, 1) the entrance to the hotel which is located on Orchard Street, between Stanton Street and Rivington Street, will be its primary entrance, 2) all loading and unloading of guests will occur on Orchard Street at the hotel entrance, 3) deliveries and other service will occur on Allen Street, 4) it may have "happy hours" to 8:00 P.M. each night in its public spaces, 5) it will not host pub crawls or party buses, 6) it will not have unlimited drink specials with food in any of the areas where food is served, 7) it will ensure that soundproofing or sound baffling measures are constructed in its publicly accessed spaces, if necessary, consistent with the recommendations of a sound engineer, 8) it will not have wait lines outside, including on any ground floor property within its building line on Orchard Street or Allen Street, and it will have staff people outside its business when needed to ensure that there is no loitering, crowds or noise outside and for directing vehicular and pedestrian traffic in order to prevent queuing and idling vehicles around its business, 9) it will not add any exterior lighting to the façade of its business and exterior lights will be at low levels and directed down or away from neighboring windows, 10) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3, 11) it will immediately address any resident complaints and will revisit its method of operation if necessary in order to minimize the establishment's impact on neighbors; and

Specifically,

With respect to the first floor lobby, 12) it will operate as a check in check out area, seating area for lodgers and waiting area for patrons of the second floor bar café, 13) there will be food and alcohol service from the second floor bar cafe in the lobby during the hours of operation of the second floor bar café, 14) hours of operation for the lobby check-in area will be twenty-four (24) hours each day, 15) hours of operation for the seating area will be 12:00 P.M. to 12:00 A.M. Sundays through Wednesdays and 12:00 P.M. to 2:00 A.M. Thursdays through Saturdays, 16) ambient background music only, consisting of recorded music, will be played in this area and it will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, 17) it will have a closed fixed facade with no open doors or windows, 18) its entrance will be the primary hotel entrance located on Orchard Street, between Stanton Street and Rivington Street; and

With respect to the second floor floor-through terrace arcade bar cafe, 19) it will be operated as a bar cafe for patrons and the public, with less than a full kitchen serving food during all hours of operation, 20) its hours of operation will be 12:00 P.M. to 12:00 A.M. Sundays through Wednesdays and 12:00 P.M. to 1:00 A.M. Thursdays through Saturdays, 21) ambient background music only, consisting of recorded music, will be played in this area and it will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged and will have no more than one (1) private party or event per day, 22) it will have a closed fixed facade with no open doors or windows on both Orchard Street and Allen Street, consisting of four (4) foot parapet walls and plastic nana walls from the parapet to the ceiling, 23) it will be accessed through the entrance on Allen Street; and

With respect to the twelfth floor exterior terrace facing Orchard Street, 24) it will operate this area as lounge patio for hotel guests only, 25) it will have no bar and no food or alcohol service but food and alcohol will be available for purchase to go at the second floor bar cafe to eat and drink in this area, 26) its hours of operation will be 12:00 P.M. to 12:00 A.M. all days, 27) ambient background music only, consisting of recorded music, will be played in this area and it will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, 28) there will be one (1) to two (2) small exterior speakers placed below the level of the parapet walls and against the core or by the elevator shaft of the building and seven (7) foot plexiglass walls mounted

along the parapet walls around the perimeter of this area to minimize sound travelling from the roof, 29) access will be through the hotel lobby; and

With respect to the ground floor outdoor patio on Orchard Street, 30) it will be located within the building line adjacent to the Orchard Street sidewalk, 31) it will be operated as an amenity to the hotel, 32) there will be no more than four (4) tables and sixteen (16) seats in this area, 33) food and alcohol will be available for purchase to go at the second floor bar cafe to eat and drink in this area, 34) its hours of operation will be 12:00 P.M. to 10:00 P.M. all days, 35) there will be no music played at any time in this area; and

With respect to the ground floor outdoor patio on Allen Street, 36) it will be located within the building line adjacent to the Allen Street sidewalk, 37) it will be operated as an amenity to the hotel, 38) there will be no more than four (4) tables and sixteen (16) seats in this area, 39) food and alcohol will be available for purchase to go at the second floor bar cafe to eat and drink in this area, 40) its hours of operation will be 12:00 P.M. to 10:00 P.M. all days, and 41) there will be no music played at any time in this area.

New Liquor License Applications

3. Mama's Bar (AH Business Management LLC), 34 Ave B @ E 3rd St (op)

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

WHEREAS, AH Business Management LLC is seeking a full on-premises liquor license to operate a tavern in the premises located at 34 Avenue B, at the corner of East 3rd Street and Avenue B, New York, New York; and

WHEREAS, this applicant is proposing to operate a tavern on the ground floor with a certificate of occupancy of seventy-four (74) people, twelve (12) tables and thirty-two (32) seats inside and ten (10) tables and twenty (20) seats at a sidewalk café, a nineteen (19) foot by eight (8) foot bar with thirteen (13) stools, hours of operation of 11:00 A.M. to 4:00 A.M. all days, a prep area serving a limited American menu during all hours of operation, French doors, four (4) televisions, recorded and live music, DJs and a jukebox at background and entertainment levels, promoted events, scheduled performances and events with cover fees, security and happy hours; and

WHEREAS, this location is zoned R7A with a C1-5 commercial overlay; and

WHEREAS, with respect to the proposal to have scheduled performances and events with cover fees, Community Board 3 has informed the applicant that given that the zoning for this location is R7A with a C1-5 overlay, scheduled performances and events with cover fees are not permitted; and

WHEREAS, the applicant then submitted an amended questionnaire that it was not seeking to host scheduled performances or events with cover fees; and

WHEREAS, the applicant has stated that this is a sale of assets of the existing business which operates as a tavern with a full on-premises liquor license and the applicant is intending to maintain its business name and method of operation; and

WHEREAS, the applicant has also stated that it is not now seeking to operate a sidewalk café; and

WHEREAS, the previous licensee was approved a full on-premises liquor license by Community Board 3 in September of 2003 with stipulations that it would 1) have no DJs and 2) have a bar that is no more than ten (10) feet in length; and

WHEREAS, the previous licensee was issued a full on-premises liquor license by the SLA on April 28, 2004; and

WHEREAS, the previous licensee was heard for the renewal of its full on-premises liquor license by Community Board 3 in March of 2010 because of complaints of noise from its open façade and was denied its renewal unless the applicant agreed to make as conditions of its license stipulations that it would 1) close the windows on its façade at 10:00 P.M. every night, 2) obtain smaller speakers and reposition them off the Avenue B wall and below the ceiling, and 3) install a limiter to control volume and bass; and

WHEREAS, the previous licensee was then denied an alteration of its full on-premises liquor license by Community Board 3 in July of 2010, to add an office, DJs and patron seating to the basement, add a

kitchen to the ground floor, extend the ground floor bar by seven (7) feet and close the exit to the residential hallway of the same building, unless the applicant agreed to make as conditions of its license stipulations that it would 1) close all doors and windows by 10:00 P.M. every night to minimize noise emanating from the business, 2) have a DJ only in the basement, 3) maintain smaller speakers situated away from the windows and maintain a limiter to minimize noise from music and bass, and 4) operate the basement primarily as a dining room, consisting of nine (9) tables with eighteen (18) seats and serve food to within one (1) hour of closing; and

WHEREAS, the previous licensee was again heard for the renewal of its full on-premises liquor license by Community Board 3 in February of 2014 because of complaints of noise from its open façade and was denied its renewal unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate as a tavern, 2) close any façade doors and windows at 10:00 P.M. every night, 3) play ambient background music only upstairs, consisting of recorded music, and have DJs only in its basement but not have live music, promoted events, scheduled performances or any event at which a cover fee would be charged, 4) not host pub crawls or party buses, 5) not apply for any alteration in its method of operation without first appearing before Community Board 3, 6) install a sound baffling curtain and seasonal vestibule and keep its entrance door closed when music was playing to minimize sound emanating from its premise, 7) employ a doorman or security guard Fridays and Saturdays, from 10:00 P.M. until closing, and 8) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, there are twelve (12) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant; and

WHEREAS, the applicant has operated a tavern, located at 538 Ninth Avenue, New York, New York, since 2008 which had a full on-premises liquor license issued by the SLA on April 6, 2009, one of its principals has been the accountant for the existing business for ten (10) years and one of the principals was the manager of the existing business from 2018 to 2019; and

WHEREAS, the applicant has stated that it is not adding soundproofing to this premises; and

WHEREAS, a resident of the immediate area submitted a statement in opposition to this application, describing the intersection where this premises is located as a "nightmare" and free for all" because of the operating licensed businesses now at this corner; and

WHEREAS, three (3) residents of the immediate area, two (2) of them members of the community board, stated that loud music and bass and loud noise from patrons, as well as from a moderator using a microphone during trivia nights, had often travelled from the existing business down the street and to the back of the building across the street from the business where one of the residents lived and one of the residents also stated that the corner where the business is located is now extremely noisy and like a "frat party on weekends;" and

WHEREAS, consistent with the complaints against it, the previous licensee sustained charges before the SLA on November 30, 2007, for a failure to comply on February 24, 2006, and sustained charges on June 3, 2011, for disorderly premise noise on June 25, 2009 and August 1, 2009, unlicensed security on December 18, 2009, failure to supervise and sale for consumption off premises on June 25, 2009, and sale to a minor on August 1, 2009; and

WHEREAS, also consistent with the complaints against it, the previous licensee had eighteen (18) 311 commercial noise complaints in the past year, six (6) of which required a police response to address, as well as thirty-four (34) 311 commercial noise complaints in the preceding two (2) years; and

WHEREAS, Community Board 3 informed the applicant that if it intended to apply for a sidewalk café in the future it would have to apply for a sidewalk café permit to the Department of Consumer Affairs; and

WHEREAS, given that the applicant is already associated with the business and is purchasing it and maintaining its method of operation and business name, Community Board 3 would approve the application with stipulations governing its use; now

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for AH Business Management LLC for the premises located at 34 Avenue B, at the corner of East 3rd Street and Avenue B, New York, New York, 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 less than a full kitchen, serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 4:00 A.M. all days,
- 3) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, or during unamplified live performances or televised sports,
- 4) it will employ one (1) security guard, stationed at the entrance to the business, Fridays and Saturdays, from 8:00 P.M. to closing,
- 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 and will have no more than twelve (12) private parties per year,
- 6) it will not apply for any alteration in its method of operation or for any physical alterations 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" until 7:00 P.M. each night,
- 10) it will position small speakers away from the open façade and below ceiling level to minimize music travelling outside and will install a limiter to ensure background level music and bass,
- 11) it will ensure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

4. Peppa's Jerk Chicken (San Peppas Jerk Chicken Express Inc IV), 90-96 Stanton St btwn Orchard & Ludlow Sts (op)

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

WHEREAS, San Peppas Jerk Chicken Express Inc. IV initially appeared before Community Board 3 seeking a full on-premises liquor license to operate a restaurant, with a proposed business name of Peppa's Jerk Chicken, in the premises located at 90-96 Stanton Street a/k/a 172 Orchard Street, between Orchard Street and Ludlow Street, New York, New York; and

WHEREAS, this is an application for a Caribbean takeout restaurant with a certificate of occupancy of thirty-three (33) people, one (1) table and four (4) seats and a rail with six (6) stools, no bar, a sidewalk café, hours of operation of 12:00 P.M. to 4:00 A.M. all days with alcohol service and indoor dining ending at 12:00 A.M. all days and only takeout service after 12:00 A.M. all days, a kitchen open during all hours of operation, one (1) television, live and recorded music, a jukebox, DJs, karaoke, security and happy hours; and

WHEREAS, the applicant stated that it is proposing to operate a primarily takeout business where patrons waiting for their food could get a drink in a storefront of approximately six hundred (600) square feet with approximately one hundred fifty (150) square feet accessible to patrons, no patron restroom and a basement that would not be accessible to patrons; and

WHEREAS, this location is zoned C4-4A but has never housed a licensed business and was previously operated as a halal falafel takeout restaurant; and

WHEREAS, there are twenty-six (26) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but there are thirty (30) full on-premises liquor licenses and four (4) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

WHEREAS, the applicant has no experience operating a licensed business, but the proposed method of operation is the same as multiple existing family-operated takeout businesses without liquor licenses in Brooklyn and Queens of which two (2) businesses are operated by the applicant; and

WHEREAS, Community Board 3 informed the applicant that it would have to separately apply for a sidewalk café permit and that a sidewalk café would not be considered as part of this application given that there is no preexisting sidewalk café at this location; and

WHEREAS, Community Board 3 was concerned about granting a full on-premises liquor license to this applicant given that 1) this is an application for a primarily takeout restaurant with only ten (10) seats,

live music and DJs, security and hours of operation of 12:00 P.M. to 4:00 A.M. all days, in a location which has previously operated as a takeout restaurant with a no liquor license, 2) the proposed location does not meet the requirements for a full on-premises liquor license because it does not have a restroom accessible to patrons, 3) this applicant is proposing to operate within five hundred (500) feet of thirty (30) full on-premises liquor licenses and four (4) pending full on-premises liquor licenses, and 4) this applicant has no experience operating a licensed business; and

WHEREAS, given the concerns of Community Board 3 that a patron restroom is needed at this location to obtain a full on-premises liquor license, the applicant stated that it will apply for a wine beer license for this business; and

WHEREAS, provided that the applicant will agree to play only recorded background music and not have security which is more consistent with its proposed method of operation as a small takeout restaurant, Community Board 3 would support this application for a wine beer license with stipulations governing the method of operation of the business; now

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a wine beer license for San Peppas Jerk Chicken Express Inc. IV, with a proposed business name of Peppa's Jerk Chicken, for the premises located at 90-96 Stanton Street a/k/a 172 Orchard Street, between Orchard Street and Ludlow Street, New York, New York, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a Caribbean takeout 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 4:00 A.M. all days, with the sale of alcohol and indoor dining ending at 12:00 A.M. all days and only takeout service after 12:00 A.M. all days,
- 3) it will close any front or rear façade entrance doors 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 or during unamplified live performances or televised sports, and will otherwise have a closed fixed facade with no open doors or windows,
- 4) 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,
- 5) it will not apply for any alteration in its method of operation or for any physical alterations 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 8:00 P.M. each night,
- 9) it will ensure 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.

5. Tacombi Rapido de la Union LLC, 127 4th Ave (op)
withdrawn

6. Brooklyn Dumpling Shop LLC, 131 1st Ave (op)
withdrawn

7. Trapizzino Les LLC, 144 Orchard St (upgrade to op)
withdrawn

8. Vin Sur Vingt Wine Bar (GVI East Village LLC), 170 2nd Ave @ E 11th St (wb)

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

WHEREAS, GVI East Village LLC is seeking a wine beer license to operate a tavern wine bar, with a proposed business name of Vin Sur Vingt Wine Bar, in the premises located at 170 Second Avenue, at the corner of East 11th Street and Second Avenue, New York, New York; and

WHEREAS, this is an application for a French-inspired tavern wine bar with a certificate of occupancy of seventy-four (74) people, eleven (11) tables and thirty-six (36) seats, a six (6) foot by twelve (12) foot by eleven (11) foot bar with nine (9) stools, hours of operation of 3:00 P.M. to 12:00 A.M. Sundays and Mondays and 3:00 P.M. to 2:00 A.M. Tuesdays through Saturdays inside and 3:00 P.M. to 10:00 P.M. Sundays and Mondays and 3:00 P.M. to 11:00 P.M. Tuesdays through Saturdays at a sidewalk cafe, a prep area serving food during all hours of operation, French doors and windows, no televisions, recorded background music and happy hours; and

WHEREAS, this location has never housed a licensed business and was previously operated as a juice bar; and

WHEREAS, Community Board 3 informed the applicant that it would have to separately apply for a sidewalk café permit to the Department of Consumer Affairs and that a sidewalk café would not be considered as part of this application given that there is no preexisting sidewalk café at this location; and

WHEREAS, the applicant operates five (5) similar businesses with tavern wine or wine beer licenses in New York City and has operated businesses with this method of operation for the past ten (10) years; and

WHEREAS, given these circumstances, Community Board 3 would support this application for a wine beer license with stipulations governing the method of operation of the business; now

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a wine beer license for GVI East Village LLC, with a proposed business name of Vin Sur Vingt Wine Bar, for the premises located at 170 Second Avenue, at the corner of East 11th Street and Second Avenue, New York, New York, 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 French inspired tavern wine bar, with less than a full kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 3:00 P.M to 12:00 A.M. Sundays and Mondays and 3:00 P.M. to 2:00 A.M. Tuesdays through Saturdays,
- 3) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances or during unamplified live performances or televised sports,
- 4) 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,
- 5) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 6) it will not seek a change in class to a full on-premises liquor license without first obtaining approval from 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 6:00 P.M. each night,
- 10) it will ensure 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.

9. Plado (Germat of NY Inc), 192 E 2nd St (upgrade to op)
withdrawn

10. Crif Dogs and Please Don't Tell, 113 St Marks Pl btwn 1st Ave & Ave A (op)

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

WHEREAS, Crif Dog St Marks LLC is seeking a full on-premises liquor license to operate a tavern restaurant, doing business as Crif Dogs in the east storefront and Please Don't Tell in the west storefront, in the premises located at 113 Saint Marks Place, between First Avenue and Avenue A, New York, New York; and

WHEREAS, this is an application for a tavern restaurant with a certificate of occupancy of seventy-four (74) people, twelve (12) tables and fifty-one (51) seats with six (6) tables and twelve (12) seats, a rail with eight (8) stools and a ten (10) foot bar with no stools in Crif Dogs and six (6) tables and eighteen (18) seats and a sixteen (16) foot bar with thirteen (13) stools in Please Don't Tell, hours of operation of 12:00 P.M. to 4:00 A.M. all days, a prep area serving food, consisting of gourmet hotdogs and hamburgers, during all hours of operation, no televisions and recorded background music; and

WHEREAS, the applicant has stated that this is a sale of assets of the existing business which operates as a tavern restaurant with a full on-premises liquor license; and

WHEREAS, the previous licensee was denied a wine beer license by Community Board 3 in February of 2003 and a change in class of its wine beer license to a full on-premises liquor license by Community Board 3 in February of 2004; and

WHEREAS, the previous licensee was issued a full on-premises liquor license by the SLA on August 9, 2004; and

WHEREAS, the previous licensee was approved an alteration, extending its full on-premises liquor license from the eastern storefront to the western storefront, by Community Board 3 in May of 2008; and

WHEREAS, a one hundred percent (100%) corporate change was administratively approved by Community Board 3 in June of 2019, but subsequently withdrawn before the SLA; and

WHEREAS, there are twenty-five (25) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant; and

WHEREAS, the applicant who has no experience operating a license business but has worked in this business for ten (10) years and been its general manager for six (6) years and is intending to maintain its business name and method of operation; and

WHEREAS, a resident who lives behind the business appeared and stated that she supports this application because she had a very contentious relationship with the existing licensee because of her complaints about noise but found that when the applicant became the general manager the noise had decreased and the applicant quickly responded to her complaints; and

WHEREAS, given that the applicant is already associated with the business and is purchasing it and maintaining its method of operation and business name and given that there are no known recent complaints about or violations for the business, Community Board 3 would approve the application with stipulations governing its use; now

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Crif Dogs St Marks LLC, for the premises located at 113 Saint Marks Place, between First Avenue and Avenue A, New York, New York, 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 restaurant, with less than a full kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 4:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors 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 or during unamplified live performances or televised sports, and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 7) it will not host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,
- 9) it will not have "happy hours,"
- 10) it will ensure 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.

Items not heard at Committee

11. Forgetmenot (Plan A Group LLC), 138 Division St (corp change/op)
administratively approved
12. The Ten Bells (Flora & Jasper LLC), 247 Broome St (corp change/wb)
administratively approved
13. Yopari (Oec International Inc), 69A Clinton St (wb)
withdrawn
14. Vote to adjourn

approved by committee

39 YES 0 NO 2 ABS 0 PNV MOTION PASSED (excluding SLA item 2)

38 YES 1 NO 2 ABS 0 PNV MOTION PASSED (SLA item 2)

Landmarks Committee

1. Approval of previous month's minutes and roll call (minutes are deemed approved if no objection) approved by committee
2. Certificate of Appropriateness: 12 Eldridge Street (The Museum at Eldridge Street) - Installation of areaway gates and 4 anti-climb cages at existing fire escapes

VOTE: TITLE: CB 3 supports the Certificate of Appropriateness for 12 Eldridge Street (The Museum at Eldridge Street) - Installation of areaway gates and 4 anti-climb cages at existing fire escapes.

WHEREAS, the Eldridge Street Synagogue, whose architects were the Herter Brothers, was built 1886-1887.; and

WHEREAS, its imposing pressed brick and terra-cotta façade features elements of Moorish, Gothic, and Romanesque design; and

WHEREAS, the building is not only a NYC Landmark, but also a National Historic Landmark as well as an architectural and cultural touchstone of the community; and

WHEREAS, the application is to install two security poles with lighting and security cameras (North and South areaways), and four anti-climb cages at the existing fire escapes to provide security for the building as recommended by the security consultant; so

THEREFORE BE IT RESOLVED, CB3 supports the proposed installation of these security measures.

3. Vote to adjourn approved by committee

39 YES 0 NO 2 ABS 0 PNV MOTION PASSED

Vote to adjourn

39 YES 0 NO 2 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

David Adams	[P]	Linda Jones	[P]	Damaris Reyes	[A]
Yaron Altman	[A]	Vaylateena Jones	[P]	Richard Ropiak	[P]
Jesse Beck	[P]	Tatiana Jorio	[P]	Thomas Rosa	[P]
Dominic Berg	[A]	Lisa Kaplan	[P]	Robin Schatell	[A]
Lee Berman	[P]	Olympia Kazi	[A]	Heidi Schmidt	[P]
Karlin Chan	[P]	Joseph Kerns	[A]	Laryssa Shainberg	[P]
Jonathan Chu	[A]	Michelle Koppersmith	[P]	Clint Smeltzer	[P]
David Crane	[P]	Mae Lee	[P]	Anisha Steephen	[P]
Felicia Cruickshank	[P]	Wendy Lee	[P]	Sandra Strother	[P]
Eric Diaz	[P]	Alysha Lewis-Coleman	[P]	Josephine Velez	[P]
Alistair Economakis	[A]	David Louie	[P]	Troy Velez	[P]
Shirley Fennessey	[P]	Ellen Luo	[P]	Rodney Washington	[P]
Ryan Gilliam	[P]	Michael Marino	[P]	Kathleen Webster	[P]
Debra Glass	[P]	Alexandra Militano	[P]	Jacky Wong	[P]
Andrea Gordillo	[P]	Michael Perles	[P]	Ricky Wong	[P]
Herman Hewitt	[P]	Tareake Ramos	[P]		
Trever Holland	[P]	Paul Rangel	[P]		

Meeting Adjourned