



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

April 2018 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, April 24, 2018 at 6:30pm at PS 20, 166 Essex Street.

Public Session:

**Sela Grabiner** – Educational Alliance training on Opiode crisis offered on site.

**Kenneth Nieves** – Resident of LES, victim of Stop and Frisk. Recently experienced a situation with officers where they stopped and frisked him and was accused of carrying a knife and did not. He was tossed against a wall and felt humiliated.

**Valerio Oselli** – Cb3 Land Use and Housing committee, calling for support of a new concept (a community land trust idea) to keep restrictions to keep housing affordable. Support of all items listed in the packet left for the CB3 attendees.

**Ed (Tito) Delgado** – Long time resident of LES, is looking for support to have community control over their land near Cooper Square. Is advocating a plan to make this a reality over all NYC. Support for the nativity church to develop with Archdiocese for low income, seniors and the disabled.

**Ravi Ivan Sharma** – Is against SLA Agenda 16. Advocating to deny the resolution as is without the stipulations.

**Jeff Campagna** – Land Use Attorney, states the club has operated for over 170 years. Is requesting the amendment of SLA 16. States the zoning is consistent with the laws and regulations.

**Michael Schulman** – A writer for the New York Times, advocates for the Club. Believes it to be a cultural location. A major reason for this belief is due to the live music. At the State Liquor meeting, was unable to get through the door due to the hundreds of community residents who were in the meeting in support of the club. Believes the club is a center of cultural connections. States that the owners honestly did not know about the community regulation but are now honestly working to correct.

**Amber Martin** – Resident near Club Cummings for 11 years. Is an advocate for Club Cummings. Advocates for the live music, DJ's, live performances and considers the club an attribute to the neighborhood and city.

**Sander Hicks** – Is advocating for Hicks for Congress. Is opposing a war strategy for the U.S to Syria.

**Tyler Diaz** – Is asking what can be done to change the landscape of the neighborhood due to gentrification.

**Harry Bubbins** – Providing update on the Tech Hub and rezoning resolution. Is advocating for the Small Business Jobs Protections Act.

**Ryan Gillam** – Announced the LES History Month is in May, directed attendees to the website for all activities at [ThePeoplesLES.org](http://ThePeoplesLES.org)

Public Officials:

Mayor Bill de Blasio, Gabrielle Dann-Allel:

Public Advocate Letitia James, Adam Chen:  
Charter revision update. Rat abatement program update.

Comptroller Scott Stringer, Michael Stinson:  
May 21st, a joint townhall meeting with Borough President, Assemblymember Yuhline, Brian Kavanaugh, Nydia Velasquez and councilwomen Chin and Rivera from 7pm – 9pm.

Borough President Gale Brewer, Afraz Khan:  
Meeting on the L train shutdown. Community Board application process will be extended to end of May 2018. Rikers Island taskforce was hosted, Youthfest for civic engagement on Wednesday April 25th.

Congressmember Nydia Velazquez, Iris Quinones:  
Public transit fares more affordable for seniors and youth. A new federal grant program. Member of the house committee on environmental issues. Responded to 80 Mott street. Tax credit act in need of flood protection insurance. Know Your Rights event at PS 20 at 6pm. NYS prepared program at May 3rd at 10am at 20 Ave D. Promesa is a position that is leading the island of Puerto Rico to be privatized.

Congressmember Carolyn Maloney, Victor Montesinos:  
Update on the congresswoman report.

Assemblymember Yuh-Line Niou, Rebecca Ou:  
Budget includes 250 million to NYCHA capital projects, 2.45 million to settlement houses, 2 million for NORC, 1.5 million for adult literacy among other. Yuhline will continue to work with 80 Mott street residents. Urged the city to resolve the congestion at Clinton Street. Rebecca was asked regarding last year's NYCHA 200 million budget, responded that 200 million and the new 250 million are available.

Assemblymember Deborah J. Glick, Charlie Anderson:

Assemblymember Brian Kavanagh, Venus Galarza-Mullins:  
Community Convention on May 6th. Provided the Assemblymember's report update.

State Senator Brad M. Hoylman, Caroline Wekselbaum:  
Concerned that items were not placed in the budget (Child Victims Act, Ethics Reforms, Gun Laws, Congestion Pricing)  
Jacob Riis house meeting, the Senator advocated for support of NYCHA residents having questions or difficulties.

Councilmember Margaret Chin, Vincent Fang:  
Update on woman's caucus. Equal Pay for Equal Work Ms. Chin was in support at a recent rally with other councilmembers. Ms. Chin promises to hold bad landlords accountable for their actions.

Councilmember Carlina Rivera, Sheila Rodriguez:  
Ms. Rivera and Ms. Chin hosted a woman's history event at city council chambers. Did not agree with the Landmarks Preservation Committee for fear of bypassing community board and community resident's input before decisions are made. Supported bills to bring criminal consequences for sexual harassment at the workforce.

Members Present at First Vote:

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

Minutes:  
Minutes of February 2018 were approved, as is.

**35 YES 0 NO 0 ABS 0 PNV MOTION PASSED**

Board Chairperson's Report:  
Chairperson Alysha Lewis-Coleman  
Formed a nominating committee – Chair is now Meghan Joye. First meeting is Monday night April 30th. CB3 has been invited to attend a tour at the tenant museum during June on the weekend at 4pm on the weekend. Meet and greet for existing and new members during the first Sunday of June at a location TBD. CB3 table will be at 80 Pitt street. Do not meet with the press without speaking to the community board office first.

District Manager's Report:  
District Manager Susan Stetzer  
The Community Board with LES Partnership bid will hold a Transportation visioning workshop on May 16th 6:30p-8:30p at Seward Park High School. Stakeholders will be asked to comment on traffic, public transportation, issues with construction, and all traffic-related issues.

There is a new law regarding Hookah bars. Businesses will be required to apply for a license with the Health Dept. The main requirement is that businesses have to have been operating as a hookah bar prior to October 2017—no new permits given-- and that at least 50% of annual profits are from hookah related business. If business is eligible (from before October 2017), they have until October 2018 to apply for and receive new license. Outreach will be made to food service establishment and BIDs.

There have been complaints generated because of work on pedestrian ramps without notice to businesses. Some businesses were unable to open. DOT has now formed a robust outreach team.

Last summer CB 3 was able to help start a needle initiative in Tompkins Square Park--used needle containers are installed in the rest rooms. This seems to have helped have less needles in the park. There has been a changeover in Parks staff, but training and implementation have continued and seems to be working well.

Committee Reports:

**Executive Committee**

no votes necessary

**Transportation, Public Safety, & Environment Committee**

1. Approval of previous month's minutes  
approved by committee
2. Dance Parade Presentation  
no vote necessary
3. Nike 5K Earth Day Run, Sunday April 22, Manhattan Bridge to Basketball City  
no vote necessary
4. Proposed expansion of Manhattan Detention Center adjacent to CB 3 District

**VOTE: TITLE: Proposed expansion of Manhattan Detention Center adjacent to CB 3 District**

**WHEREAS**, in February 18, 2018, the City announced the upcoming closure of the jail facility on Rikers Island, and,

**WHEREAS**, both the Mayor and City Council have agreed on rebuilding or expanding new borough-based facilities – one in each borough with the exception of Staten Island and,

**WHEREAS**, with a streamlined land use and planning process there could be construction on two or more of the facilities within the next few years, and

**WHEREAS**, the proposed Manhattan based location for an expanded jail facility is the Manhattan Detention Complex, commonly known as "The Tombs", located at 125 White St., and

**WHEREAS**, The Tombs sits on the border of Community Boards 1 & 3, and

**WHEREAS**, the closest residents are CB 3 residents, and

**WHEREAS**, significant community engagement should be part of the planning process in order to address local needs and concerns, and

**WHEREAS**, Manhattan Borough President Gale Brewer has created a task force to address the proposed expansion of the Manhattan Detention Center. At the March 2018 CB3 Full Board Meeting, the Borough President committed to include CB3 to the task force if requested,

**THEREFORE BE IT RESOLVED** that Community Board 3 requests the following:

- Community Engagement: a minimum of one of each of the following stakeholders be represented in any taskforce convened – resident, landlord, business owner from the immediate Chinatown area, CB 3 representative
- Topics of discussion include: impact of increase in pedestrian and vehicular traffic (vehicles include Department of Correction/DOC officers as well as DOC transport vans), impact on traffic patterns surrounding the facility especially by Bayard and Baxter Streets, increased demand on the few remaining parking spaces in the area, impact on air & light, impact on the street infrastructure (potholes and ponding conditions), and mitigation of the impacts to the community by investing in the immediate area.
- Public meetings should provide trilingual interpretation and documents should be translated into Spanish and Chinese, and

**BE IT FURTHER RESOLVED** that the Mayor's Office for Criminal Justice/MOCJ should have its first Manhattan meeting in Chinatown so that it is accessible to the impacted Chinatown community.

5. Review of Half Marathon—the run and the City process

**VOTE: TITLE: Change to Protocol with Street Activity Permit Office (SAPO) – Half Marathon/Nike Run**

**Whereas** community boards are notified and have advisory input into street activities impacting their communities, and

**Whereas** the Street Activity Permit Office (SAPO) relies on community boards and gives great weight to their advisory comments, and

**Whereas** some large interborough street events are not within the jurisdiction of SAPO but approved by NYPD borough command patrol, and

**Whereas** in the last few months CB 3 has had 2 large events approved by NYPD: a half marathon of 22,500 people and a Nike run of 5,000 people, and

**Whereas** NYPD does not alert the community boards, there is no provision for community boards to be notified in a timely manner to have necessary input, and even the precincts are not contacted for input relevant to the community, and

**Whereas** it is most always necessary to have outreach to community and to understand specific community concerns for large events, for example, because of the half marathon some church services were not accessible, so

**Therefore be it resolved** that Community Board 3 requests that a protocol be implemented by SAPO that includes coordination with NYPD to notify the local community board in a timely manner, which for an event of thousands should be 2 months, so that all in the community can address all local concerns in a timely manner.

6. Vote to adjourn  
approved by committee

**36 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. Seward Park public art project: Wood-framed sculpture with photographs of mom-and-pop neighborhood stores of the Lower East Side by Karla and James Murray, June 2018 - June 2019  
no vote necessary
3. Seward Park public art project: Studio in the Park artist residency series in custom-built mobile studio unit (funded by NEA OurTown Grant), July 1 - August 15  
no vote necessary
4. GreenThumb update on the coming garden season  
no vote necessary
5. Start District Needs Statement update process  
no vote necessary
6. Report from Arts & Cultural Affairs Subcommittee  
No vote necessary
7. Vote to adjourn  
approved by committee

**36 YES 0 NO 0 ABS 0 PNV MOTION PASSED**

**Landmarks Committee**

1. Approval of previous month's minutes  
approved by committee
2. Certificate of Appropriateness; Proposal to add small swing sign to Becky's Bites 122 East 7th St Storefront  
**VOTE: TITLE: Approval of Certificate of Appropriateness to add a small swing sign to Becky's Bites, 122 East 7th Street storefront**

**WHEREAS**, 122 East 7th Street is a 5-story tenement, built in 1862-63, in the Lower East Side/East Village Historic District; and

**WHEREAS**, the original owner of the building was William B. Astor; and

**WHEREAS**, this Italianate building's significant features include a bracketed metal cornice with paneled frieze above the ground story; cast-iron columns at the ground story; and historic store fronts; and

**WHEREAS**, while 122 East 7th Street contains two businesses Desnuda and Becky's Bites, this application refers only to Becky's Bites; and

**WHEREAS**, the proposal is to add a swing sign measuring 12 x 18 inches on a 30 inch arm; and

**WHEREAS**, the sign would be affixed to the brick above the cornice; so

**THEREFORE BE IT RESOLVED**, CB 3 approves the Certificate of Appropriateness for the proposed swing sign at 122 East 7th Street.

- 3. Continued discussion of LPC's proposed new rules found in Title 63 of the Rules of NYC.  
no vote necessary
- 4. Vote to adjourn  
approved by committee

**36 YES 0 NO 0 ABS 0 PNV MOTION PASSED**

**Land Use, Zoning, Public & Private Housing Committee**

- 1. Approval of previous month's minutes  
approved by committee
- 2. BSA 24-96-BZ: 213 Madison St (McDonald's): extend term of previously granted variance for continued operation of eating/drinking within residential zone

**VOTE: TITLE: Approval for BSA 24-96-BZ: 213 Madison St (McDonald's) application to extend the term of a previously granted variance for continued operation of eating/drinking within residential zone.**

**WHEREAS**, the applicant operating at 213 Madison Street has filed for an extension of a previously granted variance to continue operating an eating and drinking establishment (Use Group 6) within an R7-2 Zoning district; and

**WHEREAS**, the applicant is also seeking an extension of time to obtain a Certificate of Occupancy (CO); and

**WHEREAS**, records indicate that the Board of Standards and Appeals granted the original variance in 1955 and further granted extensions in 1997 and 2008 to amend the previous variance to permit the non-conforming use; and

**WHEREAS**, subsequent to the previous action, a change of architect for the CO application has delayed the obtaining of the updated CO; and

**WHEREAS**, the subject site is an existing one-story commercial building with 2,612 sq ft of total floor area and currently occupied as a McDonald's restaurant; and

**WHEREAS**, at this location the police have been called several times to handle drug use and loitering; and

**WHEREAS**, no changes to the structure, use, operation or operator are proposed; so

**THEREFORE BE IT RESOLVED**, while CB3 does not object to the extension the city should be aware of the public safety issues at this location.

**BE IT FURTHER RESOLVED**, the BSA make it a condition of the extension that the applicant obtain a CO within 12 months of the BSA approval.

- 3. Cooper Square Community Land Trust (CSCLT) request for support to urge HPD to prioritize disposition of City owned land for Community Land Trusts

**VOTE: TITLE: CB 3 supports the Cooper Square Community Land Trust's request to urge HPD to prioritize disposition of City owned land for Community Land Trusts**

**WHEREAS**, Community Board 3 has identified creation and preservation of affordable housing, especially for extremely low and very low income families, as a vital local matter and priority, and has

repeatedly heard from local residents that the high and rising cost of housing is forcing longstanding residents to move from the district or into overcrowded or rent-burdened living conditions; and

**WHEREAS**, the supply of affordable housing in Community District 3 and citywide has been shrinking, due to expiring subsidies and deregulation of rental properties, rampant speculation and other factors, and 27% of low-income households in the District – and more than half of low-income renters in NYC– are rent-burdened, according to the Furman Center, and

**WHEREAS**, the City of New York owns or oversees vacant and underutilized property, including vacant public land and city-owned or regulated residential property (including buildings in the Tenant Interim Lease/Affordable Neighborhood Cooperative Program, Tax Lien Sales, un-programmed city-owned residential buildings, and property entering the city's third-party-transfer program), as well as various forms of property such as schools, hospitals, or firehouses not currently in use that can be adapted for residential and other productive use, and

**WHEREAS**, A Community Land Trust is a flexible and proven model to create and preserve housing and other productive uses, to remain affordable in perpetuity; and the CLT separates ownership of land and building (or other improvement) built on top, thereby providing a safeguard against speculation and potential malfeasance by the building owner; and the CLT model additionally allows community residents and stakeholders to determine and control the CLT's governance through a democratic process deemed suitable for the community; and

**WHEREAS**, There are more than 200 Community Land Trusts nationwide in operation, including the longstanding Cooper Square CLT on Manhattan's Lower East Side, which has preserved housing affordable to households at 26.5% - 36% Area Median Income (AMI) in a rapidly gentrifying area; and a newly created East Harlem/El Barrio Community Land Trust that endeavors to preserve more than 100 units of housing for hundreds of East Harlem residents and their families; and

**WHEREAS**, Prioritizing disposition of city-owned vacant and underutilized property to Community Land Trusts, and to developers that commit to working in partnership with Community Land Trusts, allows the City of New York to advance projects that meet local needs and to work with the CLT to enforce affordability and other restrictions, thereby preserving and preventing extraction of public subsidy; so

**THEREFORE BE IT RESOLVED**, Community Board 3 urges NYC Department of Housing Preservation and Development and all City agencies to establish preferences for Community Land Trusts in the disposition of city-owned and -controlled properties, not just those owned/administered by NYC HPD, to ensure long-term community oversight and stewardship.

4. CSCLT request for support for Speaker's Initiative submitted by the NYC Community Land Initiative (NYCLI) for a total budget of \$735,625 for FY19 on behalf of some 14 groups to provide funding to build the capacity of emerging or expanding CLT's working to create/preserve affordable housing

**VOTE: TITLE: CB 3 support for of the Community Land Trust Initiative, a proposed Speaker's Item for the FY2019 NYC Budget, to support incubation and expansion of ten neighborhood-based community land trusts (CLTs) to (1) create and preserve permanently affordable housing as well as commercial and community spaces and (2) combat displacement and foster participatory decision-making about neighborhood development.**

**WHEREAS**, Community Board 3 has identified creation and preservation of affordable housing, especially for extremely low and very low income families, as a vital local matter and priority, and has repeatedly heard from local residents that the high and rising cost of housing is forcing longstanding residents to move from the district or into overcrowded or rent-burdened living conditions; and

**WHEREAS**, the supply of affordable housing in Community District 3 and citywide has been shrinking, due to expiring subsidies and deregulation of rental properties, rampant speculation and other factors, and 27% of low-income households in the District – and more than half of low-income renters in NYC – are rent-burdened, according to the Furman Center, and

**WHEREAS**, CLTs are a flexible, proven model for creating and preserving permanently affordable housing and other productive uses; and by separating ownership of land from ownership of buildings and other improvements, CLTs provide a fundamental safeguard against speculation, lower costs of housing and other development, and prevent loss of vital affordable housing stock; and CLTs promote accountable neighborhood development through a democratic governance structure that gives voice to community residents and other key stakeholders; and

**WHEREAS**, CLTs are generating growing, broad-based support in New York and across the country, with over 250 CLTs nationwide; and in New York City, the longstanding Cooper Square CLT has maintained deeply affordable housing for households at 26.5% - 36% of Area Median Income on Manhattan's Lower East Side and the NYC Department of Housing Preservation and Development (HPD) has indicated its interest in CLTs to complement the city's existing affordable housing programs; and

**WHEREAS**, the proposed initiative will combat gentrification and displacement and complement existing CLT programming, by providing support to community groups participating in a new CLT Learning Exchange launched by NYCCLI in partnership with HPD and Enterprise Community Partners; and

**WHEREAS**, the proposed initiative requests NYC Council Discretionary Funding as a Speaker's Item of \$735,625 in the FY2019 Budget, to be allocated to ten strong community-based organizations to conduct CLT-related community outreach, education, organizing, and planning to support and build capacity for CLTs in their respective neighborhoods, and to four organizations to provide transactional legal services and other technical assistance to support and carry out the CLT incubation or expansion activities, including New Economy Project, which will also coordinate the initiative; so

**THEREFORE BE RESOLVED**, Community Board 3 supports the discretionary funding request for \$735,625 for the Community Land Trust Initiative and urges its approval by the City Council.

5. Request for support from CSCLT to acquire former Nativity Church, 44 Second Ave, from the NY Archdiocese for low income housing for 116 units of senior, families, homeless and disabled; Community Center, Meditation Center in honor of Dorothy Day

**VOTE: TITLE: CB 3 support to call on the NYC Archdiocese to Enter Into Negotiations with the Cooper Square Community Land Trust for the Redevelopment of the Former Nativity Church Based on a Preliminary Proposal Submitted to the Archdiocese on February 12, 2018**

**WHEREAS**, Community Board 3 has identified creation and preservation of affordable housing, especially for extremely low and very low income families, as a vital local matter and priority, and has repeatedly heard from local residents that the high and rising cost of housing is forcing longstanding residents to move from the district or into overcrowded or rent-burdened living conditions; and

**WHEREAS**, the supply of affordable housing in Community District 3 and citywide has been shrinking, due to expiring subsidies and deregulation of rental properties, rampant speculation and other factors, and 27% of low-income households in the District – and more than half of low-income renters in NYC1 – are rent-burdened, according to the Furman Center, and

**WHEREAS**, the Archdiocese of New York owns some 18 de-sanctified churches on the Lower East Side, Upper East Side, Harlem, East Harlem and in various other boroughs that it is now seeking to sell, and

**WHEREAS**, a number of former Church buildings or properties have already been sold for market-rate housing, including Mary Help of Christians on Avenue A, St. Patrick Old Cathedral School and Convent and the Chapel of San Lorenzo Ruiz in Little Italy, adding to displacement pressures in our community, and

**WHEREAS**, a Community Land Trust is a flexible and proven model to create and preserve housing and other productive uses, to remain affordable in perpetuity, and

**WHEREAS**, Dorothy Day, currently being considered for sainthood by the Catholic Church and a co-founder of the Catholic Worker, an advocate for the poor, the destitute, and the homeless, was a parishioner of and worshipped at Nativity Church, and

**WHEREAS**, The Cooper Square Community Land Trust has submitted a Preliminary Proposal offered a reasonable purchase price and full partnership with the Cooper Square Community Land Trust in the re-development of the former Nativity Church to provide desperately needed housing for low-income families, seniors, the homeless and the disabled, as well as a Community Center to replace the services for the homeless that were lost when the Holy Name Centre was converted into the Sheen Center for Arts on Bleecker St., and a Meditation Center honoring Dorothy Day; so

**THEREFORE BE RESOLVED**, Community Board 3 urges the New York Archdiocese to enter into serious negotiations with the Cooper Square Community Land Trust for the redevelopment of the former Nativity Church and Rectory at 42-46 Second Avenue, in accordance with the Preliminary Proposal

submitted to the Archdiocese on February 12, 2018, in full harmony with the principles of Dorothy Day and the urgent needs of our Lower East Side community.

6. Cooper Square Committee Campaign on Lead Hazard Awareness, including construction dust contamination  
no vote necessary
7. Vote to adjourn  
approved by committee

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

**34 YES 2 NO 0 ABS 0 PNV MOTION PASSED (Land Use item 5)**

### **Economic Development Committee**

There is a meeting tomorrow to present the City Council Report on retail diversity. Please attend it  
no meeting scheduled

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

1. Approval of previous month's minutes  
approved by committee
2. Census 2020 - Request to support advocacy for accurate and complete count

**VOTE: TITLE: Support for Efforts for a Full and Fair Count in the 2020 US Census**

**WHEREAS**, the U.S. Constitution requires the Census Bureau to conduct a count of all persons;

**WHEREAS**, the decennial Census is the primary tool to gather demographic information key to the distribution of 700 billion dollars in federal money nationwide to states and localities for basic human needs like healthcare, housing, education, and infrastructure for the next ten years;

**WHEREAS**, the decennial Census is also the primary tool for drawing federal, state, and local redistricting lines;

**WHEREAS**, a fully funded Census that ensures full participation and provides effective safeguards to protect the confidentiality of information provided to the Census is critical to an accurate count;

**WHEREAS**, the Census is required to send mailing lists that it relies on for mailing the Census notice to local governments to review and update with new, non - traditional, and otherwise hard to identify housing units;

**WHEREAS**, the Census Bureau has procedures for the proper vetting of questions to ensure an accurate response;

**WHEREAS**, the Secretary of Commerce who oversees the Census Bureau has decided to add an untested and unnecessary citizenship question to the 2020 Census Survey;

**WHEREAS**, the process and decision to ask about citizenship is unconstitutional because the decision prioritizes objectives above accuracy, and is in violation of the Census Bureau's own planning and review procedures;

**WHEREAS**, the Secretary of Commerce ignored the advice of six former Census Bureau directors from Republican and Democratic administrations, who strongly believed that "adding an untested question on citizenship status at this late point in the decennial planning process would put the accuracy of the enumeration and success of the census in all communities at grave risk";

**WHEREAS**, the Census already has another means of obtaining information on citizenship through the American Community Survey that is sent to a smaller sampling of the population;

**WHEREAS**, the Census Bureau's ill-advised decision to add a citizenship question will cause a chilling effect among immigrants particularly to trust and complete the Census in this politically charged anti-immigrant climate;

**WHEREAS**, since 35.2% of residents living in Community District 3 are foreign born, an undercount in our community would have a devastating impact on the entire community, immigrant and non-immigrant alike, not only to funding and resources for critical services and infrastructure, but also to the number of representative seats in Congress and a fair redistricting of all legislative districts.



**WHEREAS**, Community Board 3 relies upon census data when drafting the annual district needs statement

**WHEREAS**, the funding allocated for Census 2020 has not been sufficient to assure an accurate count, resulting in a reduction of field offices and community partnerships, enumerators, and testing;

**WHEREAS**, the State of New York has passed legislation requiring the establishment of a State 2020 Census Commission to study the 2010 undercount and recommend outreach strategies and state funding of the Census;

**WHEREAS**, New York State Attorney General, on behalf of 17 states, the District of Columbia, 6 cities, and the bipartisan U.S. Conference of Mayors, has brought a lawsuit against the Commerce Department and the Census Bureau challenging the untested, latent decision to add a citizenship question;

**WHEREAS** New York Counts 2020, a statewide, nonpartisan coalition has been formed of diverse stakeholders to ensure a full and fair count in New York State; so

**THEREFORE BE IT RESOLVED**, that Community Board 3 supports the following actions:

- the New York Congressional Delegation call for the appropriate House and Senate oversight committees to question Commerce Secretary Ross immediately as to the justification for adding the citizenship question;
- Congress fully fund the 2020 Census enumeration to ensure a full and accurate count;
- the New York State Attorney General's lawsuit to challenge the citizenship question and to seek the withdrawal of such question on the 2020 Census survey;
- the City Department of Planning, fulfill its LUCA (Local Update of Census Addresses) requirements to ensure all new, nontraditional, and otherwise hard to identify housing units in the City have been updated on lists provided by the Census;
- the State 2020 Census Commission be composed of diverse stakeholders and that it recommend adequate effective outreach strategies and state funding to supplement the federal funding for the Census;
- a partnership with New York Counts 2020 to educate residents of Community District 3 on the importance of the Census to increase the response rate and ensure a full and accurate count in New York State.

3. Essex Crossing School: follow up and next steps  
no vote necessary

4. Mount Sinai Beth Israel – Review of input from community forum regarding essential services necessary to remain in community and resolution regarding these services

**VOTE: TITLE: Request to Mount Sinai Beth Israel Hospital to maintain or restore crucial medical services within or serving community district 3**

**WHEREAS**, in May 2016, Mount Sinai Beth Israel, an 825 bed hospital serving downtown Manhattan, announced plans to close and replace it with a smaller hospital on 14th Street

**WHEREAS**, residents of Community District 3 use many of the services at Mount Sinai Beth Israel

**WHEREAS**, in 2016, Community Boards 3 and 6 held joint hearings where Mount Sinai Beth Israel presented an overview of its plans regarding this downsizing

**WHEREAS**, the downsizing of specific services have been planned without consideration for the types of services that are utilized by community residents; and

**WHEREAS**, Mount Sinai Beth Israel has submitted individual components of the downsizing to NYS Dept. of Health and Mental Hygiene for review through the Certificates of Need (CON) process, a "piecemeal" process that requires lesser levels of review with minimal or no public input

**WHEREAS**, Community Board 3 invited community members to speak during the March 8 Health, Seniors, & Human Services / Youth, Education, & Human Rights Committee meeting regarding services provided by Mount Sinai Beth Israel; and

**WHEREAS**, the public feedback included concerns regarding the *process* of eliminating services without public input and notification, and the articulation of specific services currently provided that should not be removed; and

**WHEREAS**, the procedural concerns included:

- Concern over the lack of transparency in decision-making
- Concern over the locations of services: from being currently located in the neighborhood to being distributed across the city following the downsizing
- Concern over travel difficulties for people seeking services who face mobility challenges, and for caregivers
- Concern over the "piecemeal" method of downsizing that requires lower level of Health Department oversight; and

**WHEREAS**, the crucial services that stand to be lost included:

- Primary care for patients with AIDS, HIV and Hepatitis C
- Treatment of acute and chronic illness (e.g. hypertension)
- Radiology
- Case management service
- Pediatrics, Pediatric Plastic Surgery, and a dedicated Pediatric Emergency Room
- Orthopedics, cardiac, and asthma services
- Inpatient beds
- Services for deaf people—specialists who can communicate in ASL, audiology services, live ASL interpreters
- Medical offices that accept Medicaid; and

**WHEREAS**, the loss of essential medical services and the downsizing process are of great concern to Community Board 3; and

**WHEREAS** it is crucial to return Labor and Delivery services within the district; so

**THEREFORE BE IT RESOLVED**, that Community Board 3 urges Mount Sinai Beth Israel to maintain the identified services in the community or see to it that they are relocated within a reasonable distance from current facilities; and

**BE IT FURTHER RESOLVED**, that Community Board 3 recommends that Mount Sinai Beth Israel management improve their decision-making process to address the lack of transparency.

5. Review/discussion of first draft of district needs "call-out" section on community-based health centers  
no vote necessary
6. Vote to adjourn  
approved by committee

**36 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Human Services item 4)**

**34 YES 1 NO 1 ABS 0 PNV MOTION PASSED (Human Services item 4)**

**SLA & DCA Licensing Committee**

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

**Applications within Saturated Areas**

2. Kaikagetsu NYC (Forrest International Inc), 162 Orchard St btwn Stanton & Rivington 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 Forrest International Inc., with a proposed business name of Kaikagetsu NYC, for the premises located at 162 Orchard 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 stipulation that

- 1) it will operate as a full-service Japanese restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 12:00 A.M. Tuesdays through Sundays and closed Mondays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,

- 7) it may have "happy hours" to 7:00 P.M. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will not have wait lines and will designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board 3 is approving this application for a full on-premises liquor license although this is a location in an area with numerous full on-premises liquor licenses within five hundred (500) feet of this location because 1) the applicant has agreed to operate a full-service restaurant with moderate hours, including daytime hours of operation, 2) the applicant represented that it has operated eating and drinking establishments in Japan and will employ a Japanese chef, and 3) this location was previously operated as a full-service restaurant with a full on-premises liquor license.

3. The Cabin (The Great Cabin LLC), 205 E 4th St (op) withdrawn
4. Entity to be formed by H Cheng, 117 Ave A btwn E 7th St & St Marks Pl (op)

**VOTE: TITLE: Community Board 3 Recommendation To Deny**

**WHEREAS**, a corporation to be determined, with principal Huey Cheng, has applied for a full on-premises liquor license for the premises located at 117 Avenue A, between East 7th Street and Saint Marks Place, New York, New York; and

**WHEREAS**, this applicant is seeking to operate a "new age American" restaurant with a certificate of occupancy of seventy-four (74) people, fourteen (14) tables and sixty-two (62) seats, a twenty-four (24) foot bar with twelve (12) stools, hours of operation of 12:00 P.M. to 2:00 A.M. all days, a kitchen open during all hours of operation and recorded background music; and

**WHEREAS**, the applicant has stated that it is proposing to operate a restaurant which would focus on creating cocktails that could be paired with different food dishes; and

**WHEREAS**, although this location previously housed a business with a full on-premises liquor license, the commercial tenant was evicted, the location has been empty since April of 2017, and there is no license being held in safekeeping; and

**WHEREAS**, there are thirty (30) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but thirty-seven (37) full on-premises liquor licenses and one (1) pending full on-premises liquor license per the SLA LAMP map; and

**WHEREAS**, the applicant furnished petition signatures, two hundred nine (209) of which were from area residents and four (4) area residents appeared in support of its application, citing the benefit of the applicant as a business owner; and

**WHEREAS**, the applicant has experience operating a Japanese restaurant located at 130 Saint Marks Place which was issued a wine beer license by the SLA on January 8, 2013, and has two (2) new businesses and a pending business with wine beer licenses; and

**WHEREAS**, the North Avenue A Neighborhood Association appeared and submitted a letter in opposition to this applicant, stating that 1) it met with the applicant and learned that the actual day-to-day operators of the proposed business have no experience operating a business with a liquor license, 2) there are too many licensed businesses within five hundred (500) feet of this location 3) there is no public benefit in the addition of a licensed business serving American food and cocktails in an area well-served with these options, and 4) the addition of a licensed business to an unlicensed location is contrary to the stated goal of community groups and Community Board 3 of increasing retail diversity in the area; and

**WHEREAS**, Community Board 3 finds that notwithstanding the operating history of the applicant or the demonstration of support of its business plan, there is insufficient public benefit in the approval of a full on-premises liquor license for a business with a mixology concept with food in an area well-served with licensed businesses furnishing food and cocktails and in a location which is now unlicensed; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for a corporation to be determined, with principal Huey Cheng, for the

premises located at 117 Avenue A, between East 7th Street and Saint Marks Place, New York, New York.

**Alterations**

5. Brigitte (ZVAH Inc), 37 Canal St @ Ludlow St (alt/op/add additional bar and seats to basement/add outdoor garden area)

**VOTE: TITLE: Community Board 3 Recommendation To Deny In Part And To Deny Unless Stipulations Agreed To In Part—Stipulations Attached**

**WHEREAS**, ZVAH Inc. has applied for an alteration of its full on-premises liquor license for the premises located at 37 Canal Street, at the corner of Ludlow Street and Canal Street, New York, New York, to wit expanding its business to its basement to construct a private dining room, adding a ten (10) foot standup bar and DJs to its basement and extending its business to its rear yard; and

**WHEREAS**, this premises also includes a commercial storefront located at 6 Ludlow Street; and

**WHEREAS**, although the full on-premises liquor license for this corporation was issued by the SLA on June 11, 2003, a corporate change approval letter was issued by the SLA on February 21, 2018, the original business was closed and reopened approximately five (5) months ago doing business as Brigitte; and

**WHEREAS**, a sidewalk café permit consisting of four (4) tables and twelve (12) seats on the Ludlow Street side of the business with hours of operation of 11:00 A.M. to 10:00 P.M. all days was approved for this business in March of 2018; and

**WHEREAS**, this applicant is seeking to operate a French Mediterranean restaurant with a certificate of occupancy of sixty-eight (68) people with a proposed permit of assembly for eighty-three (83) people, a total of twenty-three (23) tables and seventy (75) seats on two (2) floors with eleven (11) tables and twenty-two (22) seats on the ground floor and twelve (12) tables and twenty-four (24) seats in the basement, a sidewalk café, eight (8) tables and sixteen (16) seats in the rear yard, a fourteen (14) foot bar with nine (9) stools on the ground floor with an additional six (6) to seven (7) feet of bar for dining only, a ten (10) foot bar in the basement, hours of operation of 11:00 A.M. to 4:00 A.M. all days, a kitchen open to within four (4) to five (5) hours of closing depending on the night, French doors, recorded background music on the ground floor and DJs in the basement, no soundproofing, happy hours to 7:30 P.M. and no agreement about having staff oversee patrons and noise outside; and

**WHEREAS**, the applicant entered into an agreement regarding its method of operation with the Seward Park around Canal East Block Association to 1) close at 2:00 A.M. all days on both floors, 2) close its windows and backyard at 10:00 P.M. all days, 3) not have wait lines, 4) play recorded background music only and not have DJs, 5) use its basement doorway to the street only for emergency egress, and 6) ensure that smokers stand only in front of the business; and

**WHEREAS**, although the applicant entered into an agreement with some members of the Seward Park around Canal East Block Association, other members of that organization, the Orchard Street Block Association, seven (7) area residents and one (1) area business appeared or submitted letters in opposition to this application because 1) although this is an existing corporation, this business is perceived by the community as a new business which is being operated by a principal unrelated to the original corporation, 2) the applicant is seeking to expand its liquor license to the basement and there are concerns that the basement will be operated as a club with DJs and a separate entrance, and 3) there is a concern that increasing the use and occupancy of this location will result in the addition of people and noise to this block; and

**WHEREAS**, the applicant furnished petition signatures in support of its application, fifty-seven (57) of which were from area residents; and

**WHEREAS**, Community Board 3 finds that notwithstanding this is an existing corporation, the business and day-to-day-operators for this business have changed since the filing of a corporate change; and

**WHEREAS**, Community Board 3 cannot approve an alteration to extend the full on-premises liquor license of the applicant to the rear yard given that 1) the applicant has stated that the rear yard is a concrete slab surrounded by a rear wall and with residential buildings on either side, 2) it has spoken with a sound engineer to enclose the rear yard but has no plan for sound remediation and has submitted no plan for approval of a structure to the Department of Buildings, 3) the applicant did not know that it needed a separate certificate of occupancy for the rear yard to commercially operate it,

and 4) it furnished no signatures from or engaged in outreach to residents overlooking the backyard although one of the buildings is operated by its landlord; and

**WHEREAS**, Community Board 3 can approve the interior alterations provided that the applicant agree to stipulations governing its method of operation, which include no DJs; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for an alteration of the full on-premises liquor license for ZVAH Inc., doing business as Brigitte, for the premises located at 37 Canal Street, at the corner of Ludlow Street and Canal Street, New York, New York, to wit extending its business to its rear yard; and

**THEREFORE, BE IT FURTHER RESOLVED** that Community Board 3 moves to deny the application for an alteration of the full on-premises liquor license for ZVAH Inc., doing business as Brigitte, for the premises located at 37 Canal Street, at the corner of Ludlow Street and Canal Street, New York, New York, to wit expanding its business to its basement to construct a private dining room and adding a ten (10) foot standup bar to its basement, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service restaurant, to wit a French Mediterranean restaurant, on both the first floor and basement, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation indoors will be 11:00 A.M. to 2:00 A.M. all days,
- 3) it will operate a sidewalk café, consisting of four (4) tables and twelve (12) seats on the Ludlow Street side of the business, with hours of operation of 11:00 A.M. to 10:00 P.M. all days,
- 4) 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,
- 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 use its basement door to the street only for emergency egress,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will may have "happy hours" to 7:30 P.M. each night,
- 11) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

#### **Sidewalk Cafe Applications**

6. Spiegel's (Spiegel Inc), 26 1st Ave @ E 2nd St

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

To approve the application for an unenclosed sidewalk café permit for seven (7) tables and fourteen (14) seats for Spiegel Inc., doing business as Spiegel's, for the premises located at 26 First Avenue, at the corner of East 2nd Street and First Avenue, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of seven (7) tables and fourteen (14) seats, with five (5) tables and ten (10) seats located on First Avenue in a single row of tables flush against the façade of the business and with two (2) tables and four (4) seats located on East 2nd Street in a single row of tables flush against the façade of the business,
- 2) its hours of operation will be 8:00 A.M. to 10:00 P.M. Mondays through Saturdays and 10:00 A.M. to 10:00 P.M. Sundays, and
- 3) it will fill in the tree pit on First Avenue in front of its business to comply with DCA requirements that there be an eight (8) foot clearance between its sidewalk café tables and street furniture, that being the tree.

#### **New Liquor License Applications**

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

8. Regal Cinemas Inc, 115 Delancey St (op)  
withdrawn

9. Fafuli LLC, 181 1st Ave @ E 7th St (op)

**VOTE: TITLE: Community Board 3 Recommendation To Deny**

**WHEREAS**, Fafuli LLC has applied for a full on-premises liquor license for the premises located at 118 First Avenue, at the corner of East 7th Street and First Avenue, New York, New York; and

**WHEREAS**, this applicant is seeking to operate a Turkish Georgian restaurant with a certificate of occupancy of seventy-four (74) people, twelve (12) tables and thirty-three (33) seats, a twenty (20) foot bar with fourteen (14) stools, hours of operation of 11:00 A.M. to 12:00 A.M. Sundays and Mondays, 11:00 A.M. to 1:00 A.M. Tuesdays and Wednesdays and 11:00 A.M. to 2:00 Thursdays through Saturdays, a kitchen open during all hours of operation, a fixed façade on First Avenue and open windows on East 7th Street, recorded background music, one (1) private party per week, no answer about security and happy hours to 7:00 P.M.; and

**WHEREAS**, the applicant has stated that it is proposing to operate a restaurant with a good wine and cocktail menu; and

**WHEREAS**, this is a previously unlicensed location which has been operated as a grocery store for thirty-five (35) years; and

**WHEREAS**, there are thirty-two (32) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but thirty-four (34) full on-premises liquor licenses and five (5) pending full on-premises liquor licenses per the SLA LAMP map; and

**WHEREAS**, the applicant furnished petition signatures in support of its application, forty-five (45) of which were from area residents, but the signatures appeared to be primarily from residents living at Village View, a large housing development located between East 3rd Street and East 6th Street and between First Avenue and Avenue A, rather than from buildings adjacent to and near the proposed business; and

**WHEREAS**, the applicant has experience operating a restaurant located at 765 Washington Street since July of 2008, which was issued a full on-premises liquor license by the SLA on March 10, 2009; and

**WHEREAS**, a representative of the East Village Community Coalition and a resident of East 7th Street appeared and submitted letters in opposition to this applicant, stating that 1) this location has never been licensed and housed a grocery store for thirty-five (35) years, 2) there are too many licensed businesses within five hundred (500) feet of this location 3) there is no public benefit in the addition of a licensed business serving food and cocktails, 4) the existing business belonging to the applicant has a drink-heavy menu, and 5) the addition of a licensed business to an unlicensed location is contrary to the stated goal of community groups and Community Board 3 of increasing retail diversity in the area; and

**WHEREAS**, Community Board 3 finds that notwithstanding the operating history of the applicant, there is insufficient public benefit in the approval of a full on-premises liquor license for a business seeking to provide food and cocktails in an area well-served with similar licensed businesses, in a location which has never been licensed and given the increasing loss of retail diversity in the addition of a licensed storefront in an area where the loss of retail diversity has become a primary community concern; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for Fafuli LLC for the premises located at 118 First Avenue, at the corner of East 7th Street and First Avenue, New York, New York.

10. The Marilyn (The Marilyn NYC LLC), 73 Monroe St between Pike & Market Sts (op) withdrawn

11. 54 Mulberry LLC, 252 Broome St btwn Orchard & Ludlow 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 54 Mulberry LLC, for the premise located at 252 Broome Street, between Orchard Street and Ludlow Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service modern American 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 1:00 A.M. Sundays through Wednesdays and 8:00 A.M. to 2:00 A.M. Thursdays through Saturdays,
- 3) it will not commercially operate any outdoor areas,

- 4) it will install additional soundproofing, if needed,
- 5) it will close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances,
- 6) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged but may have twelve (12) private parties per year,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it may have "happy hours" to 7:00 P.M. each night,
- 9) it will not host pub crawls or party buses,
- 10) it will use its cellar ancillary to its restaurant, for e.g. for storage, and not for patron use,
- 11) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board 3 is approving this application for a full on-premises liquor license although this is a location in an area with numerous full on-premises liquor licenses because 1) this applicant will operate a full-service restaurant with moderate hours, including daytime hours of operation, 2) this location previously housed a full-service restaurant with a full on-premises liquor license, 3) this applicant is part of the Zabar family which has numerous food and eating and drinking businesses in New York City, including one with a wine beer licensed issued on June 6, 1983, a full on-premises liquor license issued on December 15, 1998, a tavern wine licensed issued on March 21, 2014, a retail wine store license issued on January 23, 2017, and an additional wine beer license and full on-premises license, and 4) although the Orchard Street Block Association and one (1) area resident submitted letters in opposition to this application, the applicant furnished petition signatures in support of its application, ninety-one (91) of which were from area residents, including eleven (11) of the sixteen (16) residents of the building, and a resident living above its East 79th Street business with the same method of operation as proposed here appeared, citing its good history as a business owner, and two (2) residents living above its East 79th Street business submitted letters in support of its application.

12. Bubbleology (City Bev NY LLC), 120 1/2 1st Ave @ E 7th St (op)

**VOTE: TITLE: Community Board 3 Recommendation To Deny**

**WHEREAS**, City Bev NY LLC, has applied for a full on-premises liquor license for the premises located at 120½ First Avenue, at the corner of East 7th Street and First Avenue, New York, New York; and

**WHEREAS**, this applicant is seeking to operate a bubble tea shop with a certificate of occupancy of seventy-four (74) people, seven (7) tables and thirty (30) seats, a sixteen (16) foot counter with no stools, hours of operation of 11:00 A.M. to 11:00 P.M. Sundays through Thursdays and 11:00 A.M. to 1:00 A.M. Fridays and Saturdays indoors, a backyard closing at 9:00 P.M. Sundays through Thursdays and 10:00 P.M. Fridays and Saturdays, a prep area serving crumpets during all hours of operation, recorded background music and no soundproofing; and

**WHEREAS**, the applicant has stated that it is proposing to operate a bubble tea shop where ten percent (10%) of its drink menu will be bubble tea infused cocktails and stated that it requires a full on-premises liquor license to maintain the viability of its business plan; and

**WHEREAS**, although this location previously housed a business with a full on-premises liquor license, the commercial tenant moved to 102 First Avenue at the end of 2017, and the community benefit of that previous business is that it has operated at different locations within this neighborhood for the past approximate fifty (50) years; and

**WHEREAS**, there are thirty-three (33) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but thirty-four (34) full on-premises liquor licenses and five (5) pending full on-premises liquor licenses per the SLA LAMP map; and

**WHEREAS**, the applicant has no experience operating a licensed business in the United States and has operated two (2) businesses with the same method of operation in London for only one (1) year; and

**WHEREAS**, notwithstanding that the applicant furnished petition signatures in support of its application, forty-six (46) of which were from area residents, a representative of the East Village Community Coalition and a resident of East 7th Street appeared and submitted letters in opposition to

this applicant, stating that 1) this location is now empty, 2) there are too many licensed businesses within five hundred (500) feet of this location 3) there is no public benefit in the addition of a licensed business serving tea infused cocktails in an area with numerous licensed businesses serving cocktails, 4) the proposed business would compete with the numerous unlicensed bubble tea shops in the immediate area, 5) the applicant has no experience operating a licensed business in the United States, and 6) the addition of a licensed business is contrary to the stated goal of community groups and Community Board 3 of increasing retail diversity in the area; and

**WHEREAS**, Community Board 3 finds that there is insufficient public benefit in the approval of a full on-premises liquor license for a business seeking to add tea-infused cocktails to its drink menu to sustain its business plan, in an area well-served with licensed businesses furnishing cocktails, in a location which now has no licensed business and to an applicant with no experience operating a licensed or similar business within this community; and

**WHEREAS**, although the applicant proposed modifying this application by eliminating use of the backyard, Community Board 3 finds that this does not address the lack of public benefit in the proposed application; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for City Bev NY LLC, with a proposed business name of Bubbleology, for the premises located at 120½ First Avenue, at the corner of East 7th Street and First Avenue, New York, New York.

13. Gala (Color Strip LLC), 92 3rd Ave (wb)  
withdrawn

14. Dim Sum Sam Inc, 59 2nd Ave (op)  
withdrawn

15. Entity to be formed by Huey Cheng, 304 E 6th St btwn 1st & 2nd Aves (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 East Village Hospitality Group LLC, for the premises located at 304 East 6th Street, between First Avenue and Second Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service American and Pan-Asian restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 2:00 A.M. all days,
- 3) it will commercially operate an existing enclosed sidewalk café with four (4) tables and eight (8) seats as part of its restaurant,
- 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 install additional soundproofing, if needed,
- 6) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it will not have "happy hours,"
- 9) it will not host pub crawls or party buses,
- 10) it will not have unlimited drink specials with food,
- 11) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board 3 is approving this application for a full on-premises liquor license although this location is in an area with numerous full on-premises liquor licenses because 1) this location has an existing restaurant with a full on-premises liquor license, 2) the applicant has operated a Japanese restaurant located at 130 Saint Mark Place since February of 2013, which was issued a wine beer license by the SLA on January 8, 2013, and also operates new restaurants at 342 East 6th Street and 48 MacDougal Street with wine beer licenses, as well as having one currently under construction, and 3) there was no opposition to this application and the applicant furnished petition signatures in support of its application, one hundred seventeen (117) of which were from area residents.

#### **Alterations**



16. Club Cumming (Corsica Entertainment), 505 E 6th St btwn Aves A & B (alt/op/add live music and DJ)

**VOTE: TITLE: Community Board 3 Recommendation To Deny**

**WHEREAS**, Corsica Entertainment Inc. is applying for an alteration of its full on-premises liquor license for its club, doing business as Club Cumming, at the premises located at 505 East 6th Street, between Avenue A and Avenue B, to wit legalizing live music and DJs which are already part of its method of operation; and

**WHEREAS**, the SLA notice for this alteration also includes notice of patron dancing but the applicant has stated that it is not now seeking to include patron dancing, although it is already part of its method of operation; and

**WHEREAS**, Community Board 3 informed the applicant that, given the R7B residential zoning of this location, dancing is not permitted; and

**WHEREAS**, this corporation was denied a full on-premises liquor license by Community Board 3 in September of 2005 because it did not provide stipulations that it 1) would have no live music or disc jockeys, 2) contact all appropriate block associations for approval, and 3) attempt to obtain resident petitions from its building, adjacent buildings and buildings across the street from the site of the proposed business; and

**WHEREAS**, its liquor license was issued by the SLA on February 6, 2006, with one of the conditions of its method of operation being no DJs or live music; and

**WHEREAS**, a corporate change for this corporation was filed with the SLA in 2017, adding two principals, Alan Cumming and Daniel Nardicio, and the business closed with substantial press advertising that it would reopen in September of 2017 as a cabaret venue called Club Cumming; and

**WHEREAS**, the SLA issued a failure to conform violation on February 23, 2018, after notification by Community Board 3 that the business was operating inconsistent from its method of operation approved by the SLA by hosting scheduled performances, events with cover fees and ticketed sales, DJs and live performances; and

**WHEREAS**, the applicant then filed a method of operation change with the SLA on April 2, 2018, and the community board received its notice of intent to alter its liquor license; and

**WHEREAS**, this location is zoned R7B, is a grandfathered noncompliant commercial use on a residentially zoned street and falls within Use Group 6 of the New York City zoning text and the Department of Buildings confirmed for Community Board 3 on April 16, 2018, that such zoning prohibits scheduled performances or events with cover fees; and

**WHEREAS**, Community Board 3 reviewed the webpage for Club Cumming, the webpage for Daniel Nardicio, YELP reviews of Club Cumming, monthly schedules of events for Club Cumming posted for September of 2017, November of 2017 and March of 2018, a FACEBOOK page for the business, Twitter belonging to Alan Cumming and numerous press and social media articles before and after the opening of the business as Club Cumming as well as after it was issued a violation by the SLA, which included statements from the principals of the corporation, and found that all of these public sources presented a business that has a nightly schedule of events, performances, dance parties, scheduled sets by DJs, events with various cover fees and advance and at-the-door ticket sales, events promoted through numerous media, live acts, live bands, burlesque, including nude performances, nude painting and nude readings, full shows, comedy shows, dancers, cabaret nights and regular movie showings; and

**WHEREAS**, the applicant conceded that its method of operation included the programming of nightly scheduled events, live performances, including live music, and DJs; and

**WHEREAS**, Community Board 3 notified the applicant that zoning restrictions also prohibit movie showings and nude performances; and

**WHEREAS**, eighty-six (86) patrons, twelve (12) of whom stated that they reside in the immediate area and twenty (20) of whom stated that they reside in the East Village, appeared before Community Board 3 in support of this business and nine (9) of those people spoke on its behalf, as an already established cultural institution committed to encouraging and hosting the performing arts and the LGBTQ community; and

**WHEREAS**, there were nineteen (19) letters of support from patrons not residing in the area submitted to Community Board 3 in support of this business, which included statements praising the live nightly performances, performance evenings, dance parties, live performances and musical theatre, as well as three (3) letters of support for this business submitted from a pianist working at the business, the producer programmer of events and a host and live performer at the business; and

**WHEREAS**, there have been sixteen (16) 311 commercial noise complaints for this business from the time it opened on or about September 24, 2017 to April 14, 2018, between 11:30 P.M. and 3:30 A.M., three (3) of which required police action to correct; and

**WHEREAS**, two (2) residents who reside across the street from this business submitted letters to Community Board 3 complaining about the noise and crowds in front of the business; and

**WHEREAS**, given that the zoning for this location is R7B which prohibits scheduled performances or events with cover fees, Community Board 3 informed the applicant that it could not support these aspects of its business; and

**WHEREAS**, the attorney for the applicant and the applicant stated that the applicant would not host scheduled performances or events with ticketed sales or cover fees until it could resolve the issue of its zoning; and

**WHEREAS**, the applicant stated that it would no longer host scheduled performances, events with ticketed sales or events with cover fees provided that it could continue to have live music and DJs; and

**WHEREAS**, given that this business has operated for seven (7) months with great community support, Community Board 3 would have supported the alteration to add live performances and DJs, provided that they consist of unscheduled performances with no ticketed events or events with cover fees, with stipulations governing the method of operation of this business; and

**WHEREAS**, this applicant will not sign the proposed stipulations; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for an alteration of the full on-premises liquor license for Corsica Entertainment Inc., doing business as Club Cumming, for the premise located at 505 East 6th Street, between Avenue A and Avenue B, to wit legalizing live music and DJs, because the applicant failed to agree to make as conditions of its license the following stipulations that

- 1) it will operate a tavern with live musical and nonmusical performances and with a prep area serving food during all hours of operation,
- 2) its hours of operation will be 5:00 P.M. to 4:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will employ a doorperson Thursdays through Saturdays, from 10:00 P.M. to 4:00 A.M., as well as for special events and holidays,
- 5) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 6) it may have recorded or live music, live nonmusical performances, DJs and promoted events but will not have scheduled performances or any event at which a cover fee will be charged but may have twenty-four (24) private parties per year,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it may have "happy hours" to 8:00 P.M. each night,
- 9) it will not host pub crawls or party buses,
- 10) it will not have unlimited drink specials with food,
- 11) it will not have wait lines and will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

DOB has informed CB3 that the club is zoned to not have live performances.

#### **Applications within Saturated Areas**

16. Windmill (Peter Windmill Enterprises LLC), 43 Clinton St btwn Stanton & Rivington 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 Peter Windmill Enterprises LLC, with a proposed business name of Windmill, for the premises located at 43 Clinton 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 stipulation that

- 1) it will operate as a full-service French-inspired restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 12:00 A.M. Sundays through Thursdays and 12:00 P.M. to 2:00 A.M. Fridays and Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade doors and windows at 9:00 P.M. every night, 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, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it may have "happy hours" to 7:00 P.M. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will not have wait lines and will designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board 3 is approving this application for a change in class to a full on-premises liquor license although this is a location in an area with numerous full on-premises liquor licenses within five hundred (500) feet of this location because 1) the applicant has agreed to operate a full-service restaurant with moderate hours, including daytime hours of operation, 2) it has been operating a French restaurant at 188 Orchard Street without complaints, which was issued a wine beer license by the SLA on February 12, 2014, and 3) the applicant provided support for its application, in that it furnished petition signatures in support of its application, thirty-four (34) of which were from area residents.

**Hotel Application**

17. Allen Hotel (Allen Street Hospitality LLC), 140 Allen St (op)  
withdrawn

**Items not heard at Committee**

18. That Witch Ales You, 116 Madison St (wb)  
no vote necessary
19. GrandLo Cafe Inc, 178 Broome St (wb)  
no vote necessary
20. Cafe Orlin (39 St Marks Inc), 41 St Marks Pl (op/corp change)  
no vote necessary
21. Bacaro NYC Inc, 136-138 Division St (op/corp change)  
no vote necessary
  - Vote to adjourn  
approved by committee

**35 YES 0 NO 1 ABS 0 PNV MOTION PASSED (excluding SLA item 16)**  
**31 YES 5 NO 0 ABS 0 PNV MOTION PASSED (SLA item 16)**

Vote to adjourn

**36 YES 0 NO 0 ABS 0 PNV MOTION PASSED**

**Members Present at Last Vote:**

David Adams	[P]	Karlin Chan	[P]	Dean Diongson	[P]
Yaron Altman	[P]	Jonathan Chu	[P]	Alistair Economakis	[P]
Dominic Berg	[P]	MyPhuong Chung	[P]	Shirley Fennessey	[P]
Lee Berman	[P]	David Crane	[P]	David Ford	[P]
Karen Blatt	[A]	Enrique Cruz	[A]	Ryan Gilliam	[P]
Lisa Burriss	[P]	Eric Diaz	[P]	Debra Glass	[A]

Herman F. Hewitt	[P]	Veronica Leventhal	[A]	Damaris Reyes	[P]
Trever Holland	[P]	Alysha Lewis-Coleman	[P]	Richard F. Ropiak	[P]
Linda Jones	[A]	Luis Lopez	[A]	Robin Schatell	[P]
Vaylateena Jones	[P]	Robert Magliaro	[A]	Laryssa Shainberg	[P]
Marnie Ann Joyce	[A]	Jeremy Markman	[P]	Clint Smeltzer	[P]
Meghan Joye	[P]	Alexandra Militano	[P]	Nancy Sparrow-Bartow	[P]
Lisa Kaplan	[P]	Nancy Ortiz	[P]	Josephine Velez	[P]
Carol Kostik	[A]	Carolyn Ratcliffe	[P]	Rodney Washington	[P]
Mae Lee	[P]	Joyce Ravitz	[P]	Kathleen Webster	[P]

Meeting Adjourned