



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

## July 2018 Vote Sheet

### Executive Committee

1. Support for charter revision issues concerning community boards

**VOTE:** Whereas, Community Boards currently have charter-mandated responsibilities in reviewing and coordinating city service delivery, planning and reviewing land use, and making recommendations for the City budget, and

Whereas, Community Boards are the structure for citizens to participate in planning for their community, and

Whereas, reforms and clarifications in the City Charter would ensure that Community Boards can carry out their charter-mandated responsibilities in a meaningful manner, and

Whereas, the following reforms would ensure these responsibilities could be carried out effectively,

**Therefore, Community Board 3 requests that the Charter Revision Commission should conduct meetings and hearings with Community Boards, including members and staff, for input as to the workings of the boards and clarifications and codifications requested,**

Whereas, Community Boards have a budget of approximately \$200,000 for staff of 3-4 and office operating expenses, and

Whereas, 90% of Community Board budgets are allocated for staff salaries, and

Whereas, Community Boards have been threatened with budget cuts that would necessitate layoff of staff, and therefore would greatly reduce the ability of Community Boards to carry out mandated responsibilities,

**Therefore, Community Board 3 recommends that Community Boards have independent budgets so they would not be under constant threat of having offices reduced in manner that would not allow them to carry out responsibilities,**

Whereas, Community Boards have a charter-mandated responsibility to review, analyze and make recommendations on land use through the Uniform Land Use Review Procedure (ULURP), and

Whereas, Community Boards are comprised of volunteer members without ability to work full time on review and who do not have urban planner expertise,

**Therefore, Community Board 3 recommends that Community Boards have a full time urban planner on staff and budget appropriation to fund this position.**

Whereas, Community Boards are city agencies with complex responsibilities that must operate according to City mandates that include many legal and procedural city requirements, and very small staff to support the volunteer board and office responsibilities, and

Whereas, the Borough president's office processes payroll, but other administrative and technical support is lacking, and

Whereas, Community Board managerial staff are the only city employees in NYC without personnel services and support,

And whereas, Community Boards are the only city agencies without codes of conduct, and other standards,

**Therefore, Community Board 3 recommends that full support services be assigned and codified to specific agencies/offices and include personnel support for staffing issues, personnel benefits, technical support and maintenance, use of city facilities for community meetings, fiscal information systems support, law department support, protections from harassment or unfair practices, and other support services that are included in other agencies.**

Whereas, the appointment process for Community Boards has great impact on whether Community Boards truly represent all parts of a community and have the best possible diversity of expertise, therefore ensuring the ability to fulfill Community Board responsibilities, and

Whereas, the City Charter requires the BP to appoint "adequate representation from the different geographic sections and neighborhoods within the community district" but there is no accountability for compliance, and

Whereas, Community Board 3 has gone through periods of many vacancies and lack of diverse representation—in geographic, ethnic, areas of expertise, and other areas that need Community Board representation, and

Whereas, this has greatly impacted the Community Boards ability to effectively represent the community, and

Whereas, the current MBP's targeted outreach and focus on areas of expertise has made our board more representative and more effective.

**Therefore, Community Board 3 requests that the Charter Commission consider creating standards and promoting transparency by publishing board demographics and vacancy status, which would promote more representative and effective boards,**

Whereas, there are City Charter mandated time/notification periods, such as ULURP notification with mandated time period for Community Board review, and

Whereas, ULURP agenda items must be posted in City Review, which is a 3-week process for submission and posting, and

Whereas, Community Boards post meeting schedules and agendas in accordance with Open Meetings Law and with specific agendas to elicit the widest possible community input, and

Whereas, there are often times when an agenda item just misses posting on the monthly Community Board agenda and must be held for a month for community notice and Community Board review,

**Therefore, Community Board 3 recommends the Charter Commission review the mandated notification process to take into account Community Board schedules by giving notice at an earlier stage or lengthening the notification time.**

Whereas it takes a relatively long time for community board members, as part time volunteers, to acquire the knowledge and expertise to function as effective community board members,

Whereas term limiting community board members would deprive community boards of long term members and their institutional knowledge that allows them to engage effectively with city agencies. Some city projects take many years, or decades, to complete, therefore preserving institutional knowledge is critical.

Whereas it is very difficult to find members that are qualified, diverse stakeholders able to dedicate their time and term limits would remove many of these members.

Whereas appropriate turnover of board membership should continue to be addressed by the current structure of appointment by city council members and the BP.

**Therefore CB3 recommends that the charter revisions do not limit terms of members.**

2. Support to create a task force to participate in the charter revision process.

**VOTE:** That Community Board 3 should create a taskforce to participate in the charter revision process.

**31 YES 2 NO 0 ABS 0 PNV MOTION PASSED (Executive item 1)**

**33 YES 0 NO 0 ABS 0 PNV MOTION PASSED (Executive item 2)**

**Personnel Task Force**

- Staff promotion

**VOTE:** To approve CB 3 staff promotion of Edwin Chan

**Whereas,** Edwin Chan has been a Community Associate at CB 3 for the past 20 years; and

**Whereas,** Edwin has in the last several years, on his own initiative, taken responsibility for managing several administrative functions, including but not limited to: managing fiscal year closeouts, managing the Financial Management System, managing the CB 3 website, managing all paperwork for the office lease, managing the ordering of office supplies and the city vendor accounts; and

**Whereas,** Edwin has taken over these responsibilities in a very competent manner and with a positive attitude; so

**Therefore, Be It Resolved** that Edwin Chan should be promoted to Senior Community Associate; and also

**Therefore, Be It Resolved** that Edwin Chan should receive a raise from \$42,565 to \$44,000 plus \$1,300 longevity, limited only because of the constrained funds in the office operating budget.

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

**Economic Development Committee**

1. Approval of previous month's minutes approved by committee
2. Further discussion and position on Small Business Jobs Survival Act

**VOTE: TITLE: To Support City Council Vote on the Small Business Jobs Survival Act**

To Support A City Council Vote on the Small Business Jobs Survival Act

Whereas CB3 over the last 10 years has seen an increased number of vacant storefronts and has heard from its small business owners that a major factor in this increase is the rent, and

Whereas small business closings affect local residents access to goods and services otherwise provided by such stores, and

Whereas small business closings affect the unique retail character that helps define CD3, and

Whereas empty storefronts affect daytime foot traffic in areas already suffering from a lack of daytime foot traffic due to a proliferation of nightlife establishments, and

Therefore be it resolved that CB3 supports the City Council to come to a vote on the Small Business Jobs Survival Act.

3. Discussion and taking positions on city councils recommendations on retail diversity report vote to approve
  4. District Needs Statement/budget priorities
- VOTE:** To approve the District Needs Statement as written.
5. Vote to adjourn approved by committee

**33 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Economic Development items 1, 2)**

**32 YES 1 NO 0 ABS 0 PNV MOTION PASSED (Economic Development item 1)**

**32 YES 1 NO 0 ABS 0 PNV MOTION PASSED (Economic Development item 2)**

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

1. Approval of previous month's minutes

- approved by committee
- 2. Presentation on Census 2020  
no votes necessary
- 3. District Needs Statement  
**VOTE:** To approve the DNS with changes, with the exceptions of Specific Health Needs, which will be voted on at full board.
- 4. Vote to adjourn  
approved by committee

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

**SLA & DCA Licensing Committee**

- 1. Approval of previous month's minutes  
approved by committee
- 2. District Needs Statement  
**VOTE:** To approve

**Applications within Saturated Areas**

- 3. ILLB Inc, 43 Ave A (aka 141 E 3rd St) (op)

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

**WHEREAS,** ILLB Inc. is applying for a full on-premises liquor license to operate a restaurant in the premises located at 43 Avenue a/k/a 141 East 3rd Street, at the corner of Avenue A and East 3rd Street, New York, New York; and

**WHEREAS,** this is an application for a Mediterranean restaurant with no listed certificate of occupancy, fifteen (15) tables and fifty-four (54) seats, a twelve (12) foot eating counter with eight (8) stools, hours of operation of 8:00 A.M. 11:00 P.M. Sundays through Thursdays and 8:00 A.M. to 12:00 A.M. Fridays and Saturdays, a kitchen open during all hours of operation, French doors, two (2) televisions, recorded background music, acoustic live music ten (10) times per year, fifteen (15) private parties per year, no security, happy hours to 9:00 P.M. and no wait lines outside; and

**WHEREAS,** this is a previously unlicensed location which last operated as a bicycle shop; and

**WHEREAS,** there twelve (12) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but twenty-six (26) full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

**WHEREAS,** the applicant operated a Mediterranean restaurant located at 36 Avenue A for nine (9) years and was then approved a wine beer license by Community Board 3 for the same business at 37 Avenue A in June of 2012 with stipulations to 1) to operate as a full-service Mediterranean restaurant, serving food during all hours of operation, 2) have hours of operation of 11:00 A.M. to 12:00 A.M. all days, 3) maintain a closed fixed façade with no open doors or windows, and 4) play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events or events at which a cover fee will be charged; and

**WHEREAS,** the applicant was then approved a change in class to a full on-premises liquor license by Community Board 3 for its business at 37 Avenue A in October of 2014, and its full on-premises liquor license was issued by the SLA on February 2, 2015; and

**WHEREAS,** the applicant has stated that its hours of operation are restricted by its lease; and

**WHEREAS,** the applicant has furnished petition signatures, forty-five (45) of which are from area residents in support of its application; and

**WHEREAS,** a representative of the building cooperative board, a building resident and patron with twenty-seven (27) signatures from building residents and two (2) patrons appeared and spoke in support of this applicant as a longstanding, responsible business owner on this block who has operated a quiet, comfortable well-run restaurant; and

**WHEREAS,** given the longstanding record of this applicant operating a restaurant with a liquor license on this block, Community Board 3 would approve this application provided that the applicant agree to stipulations governing its method of operation; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for ILLB Inc., for the premises located at 43 Avenue A a/k/a 141 East 3rd Street, at the corner of Avenue A and East 3rd 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 Mediterranean 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 11:00 P.M. Sundays through Thursdays and 8:00 A.M. to 12:00 A.M. Fridays and Saturdays
  - 3) it will install soundproofing, if necessary,
  - 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,
  - 5) it will play ambient background music only, consisting of recorded music, may have acoustic live music with no more than two (2) people up to ten (10) times per year, and will not have DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
  - 6) it may have fifteen (15) private parties per year,
  - 7) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
  - 8) it may have "happy hours" to 9:00 P.M. each night,
  - 9) it will not host pub crawls or party buses,
  - 10) it will not have unlimited drink specials with food,
  - 11) it will not have wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
  - 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
  - 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.
4. Luthun LLC, 511 E 6th St (op)  
withdrawn
5. No Reservations (Busby 77 LLC), 129-131 Ave C btwn E 8th & E 9th Sts (op)

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

**WHEREAS**, Busby 77 LLC, with a proposed business name of No Reservations, is seeking a full on-premises liquor license for the premises located at 129-131 Avenue C, between East 8th Street and East 9th Street, New York, New York; and

**WHEREAS**, this is an application for a restaurant lounge with a certificate of occupancy of seventy-four (74) people in both storefronts, twelve (12) tables and forty-eight (48) seats inside and seven (7) tables and twenty-three (23) seats in a backyard, hours of operation inside of 11:00 P.M. to 2:00 A.M. Sundays, 4:00 P.M. to 2:00 A.M. Mondays through Wednesdays, 4:00 P.M. to 3:00 A.M. Thursdays and Fridays and 11:00 A.M. to 3:00 A.M. Saturdays, hours of operation outside of 4:00 P.M. to 11:00 P.M. Mondays through Fridays and 11:00 A.M. to 11:00 P.M. Saturdays and Sundays, a twenty-three (23) foot by seven (7) foot bar with thirteen (13) stools, a kitchen open during all hours of operation serving a limited menu, French doors, two (2) to three (3) televisions, recorded music and DJs at background and entertainment levels, security guards, existing soundproofing and no wait lines outside; and

**WHEREAS**, there ten (10) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but eleven (11) full on-premises liquor licenses and two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

**WHEREAS**, the applicant furnished no public benefit or interest in the approval of this full on-premises liquor license for a restaurant lounge, with background and entertainment level recorded music and DJs; and

**WHEREAS**, this applicant has failed to demonstrate support for its proposed business plan, in that, although it furnished one hundred ninety-two (192) petition signatures, only thirty-nine (39) appeared to be from the immediate area and some of those were from area businesses; and

**WHEREAS**, the applicant failed to submit a complete application to Community Board 3, in that it failed to post public notice of its hearing before Community Board 3, a resident of the building and representative of the East Village Community Coalition, a local residents organization, notified Community Board 3 that no notice was posted on the front of the business or any of its three (3) doors as required by its application, and the applicant failed to include a security or acoustic plan for the proposed business; and

**WHEREAS**, although the applicant represented that its certificate of occupancy is seventy-four (74), prior applications for these addresses represented that it was one hundred forty-eight (148) people with a certificate of occupancy of seventy-four (74) people in each storefront; and

**WHEREAS**, although the applicant has operated businesses with full on-premises liquor licenses at 493 Third Avenue and 16 First Avenue, it has received seventy (74) 311 commercial noise complaints for its 16 First Avenue business in the past year, thirty-five (35) of which required police action to correct and it has admitted participants of SantaCon to this business; and

**WHEREAS**, Community Board 3 heard the previous applicant for a full on-premises liquor license in February of 2005 and approved its application provided the applicant sign stipulations that it would 1) operate a full-service restaurant, serving food to within one (1) hour of closing, 2) close its backyard at 10:00 P.M. all days, and 3) play no music; and

**WHEREAS**, the previous applicant was then heard as a renewal by Community Board 3 in May of 2006, because it had received multiple violations, including violations for loud music, lack of crowd control in front of the establishment, alcohol being served after 4:30 A.M. and unlicensed security, and Community Board 3 then asked the SLA to investigate for revocation this licensee because it was operating inconsistent from its method of operation; and

**WHEREAS**, the previous applicant was again heard as a renewal by Community Board 3 in April of 2008, with additional violations for loud music, lack of crowd control in front of the establishment, alcohol being served after 4:30 A.M. and unlicensed security, and was then denied by Community Board 3; and

**WHEREAS**, the previous applicant then appeared before Community Board 3 in June of 2012 for an application to extend its full on-premises liquor license into the adjacent storefront at 129 Avenue C and add a standup bar and, because there had been no new complaints reported to Community Board 3 and because Community Board 3 was unaware of any additional history of violations since April of 2008, was denied unless the applicant agreed to make as conditions of its license the stipulations that 1) it would operate a Mediterranean restaurant and hookah lounge, serving food during all hours of operation, 2) its hours of operation would be 6:00 P.M. to 1:00 A.M. Sundays, Tuesdays and Wednesdays and 6:00 P.M. to 4:00 A.M. Thursdays through Saturdays, 3) it would employ at least one (1) security guard weekdays and up to three (3) security guards on weekends, and would locate one (1) security guard at the door at all times and employ an identification scanner, 4) it would play recorded music and have DJs no more than three (3) times per week but would not have live music, promoted events, scheduled performances or any event at which a cover fee would be charged, and 5) it would close any façade doors and windows by 10:00 P.M. every night and when DJs are playing; and

**WHEREAS**, it was then heard as a sale of assets to an existing principal and again heard as a renewal of the existing license by Community Board 3 in March of 2016, and both applications were denied by Community Board 3 because of new complaints of loud music, vibrations into the residential part of the building, lack of crowd control in front of the establishment, unruly patrons blocking the sidewalk, inattentive security, lack of response by management to complaints, two (2) incidents of police responding to this location within one (1) week because of large fights and multiple sustained charges and dispositions before the SLA for violations relating to this method of operation; and

**WHEREAS**, the previous business was seized by marshals in February of 2017, and has remained closed since that time and, consequently, there is no liquor license associated with this address; and

**WHEREAS**, two (2) residents of the existing building appeared and stated that, because there was no notice posted of its hearing and no outreach to them by the applicant, they had only learned of the application on the date of the community board hearing and were unable to engage in their own outreach to their neighbors; and

**WHEREAS**, these residents also stated that they endured loud music and vibrations from the bass at the previous business, noisy unruly patrons blocking the sidewalk and residential entrances and harassing residents, fights requiring that the street be closed by police and wait lines in front of the business and, given that 129-131 Avenue C is a tenement building constructed before 1900, it is not designed to house a late night venue with entertainment level music, vibrating bass and numerous patrons or insulate noise in its commercial storefronts from its residential apartments; and

**WHEREAS**, Community Board 3 believes that this applicant should not be approved for a full on-premises liquor license given the history of this location, its application for a venue with entertainment level recorded music and DJs, commercial use of the outdoors, a limited food menu, an open façade, late night hours and security, the long history of resident complaints for the previous licensed business with a similar method of operation, the failure of the applicant to provide complete information about its application or post public notice of its application for its residential neighbors, its own history of noise complaints at its existing business within this community board and the numerous full on-premises liquor licenses within five hundred (500) feet of this location; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for Busby LLC, with a proposed business name of No Reservations, for the premises located at 129-131 Avenue C, between East 8th Street and East 9th Street.

6. Corp to be formed by Leroy Garcia, 112 Rivington St (op)  
withdrawn

7. There (It's There Hospitality LLC), 154 Orchard St btwn Stanton & Rivington Sts (wb)

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

to deny the application for a wine beer license for It's There Hospitality LLC, with a proposed business name of There, for the premises located at 154 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 stipulations that

- 1) it will operate as a full-service American French restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:30 A.M. to 12:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install soundproofing,
- 5) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 6) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged and will have no more than four (4) private parties per month,
- 7) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 8) it will 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 7:00 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.

8. Black Tap (Black Tap LES LLC), 177 Ludlow St btwn East Houston & Stanton Sts (op)

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

**WHEREAS**, Black Tap LES LLC, doing business as Black Tap, is seeking a change in class of its wine beer license to a full on-premises liquor license for its restaurant located at 177 Ludlow Street, between East Houston Street and Stanton Street; and

**WHEREAS**, an application for a wine beer license for this applicant was heard by the SLA/DCA Licensing Committee of Community Board 3 in August of 2016, and given the conditions of the surrounding area, only supported with restrictions on the maximum occupancy, hours of operation and ability to allow patrons to congregate outside stipulations the applicant it would 1) operate a full-service burger restaurant with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 11:00 A.M. to 12:30 A.M. all days, 3) not commercially operate any outdoor areas, 4) not seek a change in class to a full on-premises liquor license without first obtaining the approval of Community Board 3, 5) play recorded background music and not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee would be charged, 6) not apply for an alteration in its method of operation without first appearing before Community Board 3, 7) close any front or rear façade doors and windows at 9:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, 8) install soundproofing, 9) not host pub crawls or party buses, 10) not have unlimited drink specials with food, 11) have happy hours to 7:00 P.M. each night, 12) not have wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, 13) conspicuously post its stipulation form beside its liquor license inside of its business, and 14) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, this applicant was then denied a wine beer license by Community Board 3 in August of 2016, because it would not agree to the proposed stipulations; and

**WHEREAS**, the applicant was issued a wine beer license by the SLA on June 15, 2017, with, in pertinent part per the applicant, a closing time of 2:00 A.M. each day, no requirement that it not have wait lines and a façade closing at 10:00 P.M.; and

**WHEREAS**, the applicant has been operating its business since June 19, 2017; and

**WHEREAS**, this applicant operates the same businesses with full on-premises liquor licenses at 248 West 14th Street, New York, New York, and 136 West 55th Street, New York, New York, and the same business with a tavern wine and wine beer license at 529 Broome Street, New York, New York, as well as operating other Black Tap restaurants outside of New York City; and

**WHEREAS**, the applicant furnished petition signatures in support of its application, one hundred seven (107) of which were from area residents; and

**WHEREAS**, this is a commercial location which has never housed a business with a full on-premises liquor license; and

**WHEREAS**, the applicant cited no public benefit for the approval of a full on-premises liquor license for its business, rather stating that it is seeking to obtain a full on-premises liquor license because it wants to maintain a "consistency of its brand," citing its other businesses with full on-premises liquor licenses, and because it has become a restaurant that attracts families because kids like its milkshakes and it wants to be able to serve their parents "proper drinks;" and

**WHEREAS**, there are thirty-five (35) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but forty-two (42) full on-premises liquor licenses and five (5) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

**WHEREAS**, the applicant is operating in an area that is already overburdened by the existing businesses with full on-premises liquor licenses and conceded that it is operating in an area where the other licensed businesses are "not as tame" as its business; and

**WHEREAS**, eight (8) residents and the LES Dwellers, a local residents association, submitted letters in opposition to this application, two (8) of which were from residents of the block citing constant noise from patrons outside of this business, wait lines and a façade open past 10:00 P.M.; and

**WHEREAS**, notwithstanding that it provided petition signatures in support of its application, Community Board 3 believes that this applicant should not be approved for a full on-premises

liquor license given that its business has been open only one (1) year, given its lack of public benefit, given that it is contributing to the conditions it concedes exist by allowing patrons to congregate outside and having its façade open contrary to the condition of its license and given that this location is within five hundred (500) feet of numerous full on-premises liquor licenses; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a change in class of a wine beer license to a full on-premises liquor license for Black Tap LES LLC, doing business as Black Tap, for its restaurant located at 177 Ludlow Street, between East Houston and Stanton Street.

9. Corp to be formed by Callum McLaughlin, 509 E 6th St btwn Ave A & B (op)

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

To deny the application for a full on-premises liquor license for a corporation to be formed, with principal Callum McLaughlin, for the premises located at 509 East 6th Street, between Avenue A and Avenue B, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service classic American restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 5:00 P.M. to 2:00 A.M. Mondays through Fridays and 11:00 to 2:00 A.M. Saturdays and Sundays,
- 3) it will close any front 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 and any doors and windows on its enclosure will be closed at all times,
- 4) it will not commercially operate any outdoor areas,
- 5) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, and it may have private parties up to six (6) times 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 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 outside and will designate an employee responsible to oversee patrons on the sidewalk and ensure no crowds or noise outside,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

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 has experience operating Barnorth Group LLC, doing business as Grey Lady, at 77 Delancey Street, New York, New York, which had its full on-premises liquor license issued by the SLA on May 8, 2012, as well as having operated another licensed business within this community board district and operating a licensed business outside of New York City, 2) the applicant has demonstrated support for this application, in that it has furnished signatures in support of its application, forty-two (42) of which were from area residents and no person appeared in opposition to this application, 3) this is a sale of assets to the applicant of an existing restaurant at this location with a full on-premises liquor license, and 4) the applicant is maintaining the hours and method of operation of operation of the exiting business.

10. Trueviand LLC, 171 Ave A btwn E 12th & E 13th Sts (op)

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

**WHEREAS**, Trueviand LLC initially appeared before Community Board 3 seeking a full on-premises liquor license to operate a Chinese restaurant, in the premises located at 171 Avenue A, between East 12th Street and East 13th Street; and

**WHEREAS**, Community Board 3 was concerned about granting a full on-premises liquor license to this applicant given that 1) this application is for a full on-premises liquor license for a Chinese restaurant in a location which has previously operated as a restaurant with a wine beer license and which never housed any business with a full on-premises liquor license, 2) it is proposing to operate within five hundred (500) feet of numerous full on-premises liquor

licenses, 3) there is community opposition to the addition of a full on-premises liquor license at this location, and 4) this location is directly across the street from a house of worship, that being the Iglesia De Dios Pentecostal Alpha Y Omega Church located at 168 Avenue A, between East 12th Street and East 13th Street; and

**WHEREAS**, the applicant has now stated that it will apply for a wine beer license for this business; and

**WHEREAS**, the applicant has furnished petition signatures, thirteen (13) of which were from area residents, in support of its application; and

**WHEREAS**, representative of the North Avenue A Neighborhood Association has stated that its residents would support this proposed business provided it operated with a wine beer license and other stipulations governing its method of operation; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a wine beer license for Trueviand LLC, for the premises located at 171 Avenue A, between East 12th and East 13th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Chinese 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 11:00 P.M. Sundays through Thursdays and 12:00 P.M. to 12:00 A.M. Fridays and Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged and may have up to three (3) private parties per month,
- 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 seek a change in class to a full on-premises liquor license without first obtaining the approval of Community Board 3,
- 8) it will not have "happy hours,"
- 9) it will not host pub crawls or party buses,
- 10) it will not have unlimited drink specials with food,
- 11) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

11. Grunhaus (JED Partners LLC), 126 Ludlow St a/k/a 101 Rivington St (op)

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

**WHEREAS**, JED Partners LLC has applied for a full on-premises liquor license to operate a restaurant with a proposed business name of Grunhaus, at the premises located at 126 Ludlow Street a/k/a 101 Rivington Street, at the corner of Ludlow Street and Rivington Street, New York, New York; and

**WHEREAS**, this applicant is seeking to operate a restaurant with no listed certificate of occupancy, ten (10) tables and fifty-two (52) seats, hours of operation of 7:00 A.M. to 2:00 A.M. all days, a twenty-five (25) foot bar with ten (10) stools and a thirty (30) foot bar with twenty-four (24) stools, a kitchen open during all hours of operation, an existing open façade consisting of garage doors, no televisions, recorded music, no promoted events, scheduled performances and cover fees, one (1) security guard Fridays and Saturdays, three (3) private parties per month and happy hours to 8:00 P.M; and

**WHEREAS**, there are forty (40) full on-premises liquor licenses and two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

**WHEREAS**, this applicant was denied a full on-premises liquor license for this location in June of 2017, because the applicant would not agree to make as conditions of its license stipulations that it would 1) operate a full-service American restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 7:00 A.M. to 2:00 A.M. all days, 3) not commercially operate any outdoor areas, 4) close any front or rear façade doors and windows at 10:00 P.M. every night, when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, or during any private parties, 5) not permit sitting by patrons or other people on the frames of any façade doors or windows, 6) play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee would be charged, 7) have no more than three (3) private parties per month, 8) not apply for any alteration in its method of operation without first appearing before Community Board 3, 9) have "happy hours" to 8:00 P.M. each night, 10) not host pub crawls or party buses, 11) not have unlimited drink specials with food, 12) insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, 13) conspicuously post this stipulation form beside its liquor license inside of its business, and 14) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, although the applicant submitted application materials to Community Board 3, the applicant did not appear before Community Board 3 for review of its application and both the applicant and its attorney communicated to the community board that the applicant had agreed as part of its contract of sale of the business that the applicant would appear before the SLA without first appearing before the community board; and

**WHEREAS**, the principal of the existing licensee also communicated with the community board to demand that this application for which notice had been served be removed from the community board public agenda; and

**WHEREAS**, the application materials submitted by the applicant include letters and petition signatures in support of its application which are dated June of 2017, as well as a menu with the same menu items as those in its 2017 application but bearing the business name Grunhaus; and

**WHEREAS**, NYLA Café LLC, the existing licensee at this location, last appeared before Community Board 3 in January of 2018, for an alteration of its full on-premises liquor license to add a counter to the kitchen to make it accessible to the dining room, move the ADA compliant bathroom and change seating near the kitchen from a long table to smaller tables and seats; and

**WHEREAS**, the manager who appeared at that time on behalf of the licensee also stated that it had closed the business for renovations and was intending to re-open as a German beer hall and gastropub rather than maintaining its operation as an American restaurant, change its business name and menu and add one (1) to three (3) security guards per night; and

**WHEREAS**, given that the licensee had a history of community complaints and SLA violations, has its business in an area with so many other licensed businesses and was intending to change the method of operation of its business from an American restaurant to a beer hall without community notification, Community Board 3 would not approve a change in method of operation, business name or menu in January of 2018, but did approve the requested physical alterations; and

**WHEREAS**, this location then re-opened in April of 2018 as a beer hall, doing business as Grunhaus, with a limited food menu of sausages and sides; and

**WHEREAS**, the LES Dwellers, a local residents association, submitted a statement in opposition to this application because 1) given that the application materials contain a proposed business name of Grunhaus, it is unclear if the applicant is intending to operate an American restaurant or the existing beer hall with the same business name, 2) Grunhaus is not operating as a full-service restaurant, in that it is operating as a beer hall with picnic tables, a limited food menu of sausages and sides and self-service at counters of both alcohol and food, 3) Grunhaus has already been noncompliant with its stipulations since opening by failing to close the retractable garage doors on both the Ludlow Street and Rivington Street sides of the

business at 10:00 P.M., and 4) the applicant submitted dated materials consisting of letters and petition signatures in support of its application which are dated from last year; and

**WHEREAS**, eight (8) residents of the immediate area also submitted statements in opposition to this application; and

**WHEREAS**, Community Board 3 believes that the applicant should not be approved for a full on-premises liquor license for this location given that the applicant failed to appear for a review of its application and given the community and the community board cannot ascertain whether the applicant intends to operate a full-service American restaurant or the exiting self-serve beer hall; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for JED Partners LLC, with a proposed business name of Grunhaus, for the premises located at 126 Ludlow Street a/k/a 101 Rivington Street, at the corner of Ludlow Street and Rivington Street, New York, New York.

#### **Sidewalk Cafe Applications**

12. Kossars & Beyond LLC, 367 Grand St btwn Norfolk & Essex Sts

**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 eight (8) tables and sixteen (16) seats for Kossars & Beyond LLC, doing business as Kossars, for the premises located at 367 Grand Street, between Norfolk Street and Essex Street, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of eight (8) tables and sixteen (16) seats, and
- 2) its hours of operation will be 8:00 A.M. to 8:00 P.M. all days.

#### **Alterations**

13. Home Sweet Home and Fig 19 (TLS Chrystie LLC), 131 Chrystie St (op/alt/enlarge bar size, add DJ booth)  
withdrawn

14. No Fun (161 Ludlow Food LLC), 161 Ludlow St btwn E Houston & Stanton Sts (op/change method of operation/add security guards)

**VOTE: TITLE: Community Board 3 Recommendation Not To Support The Proposed Alteration**

**WHEREAS**, 161 Ludlow Food LLC, doing business as No Fun, is seeking an alteration of the method of operation of its full on-premises liquor license for the premises located at 161 Ludlow Street, between East Houston Street and Stanton Street, New York, New York, to wit adding security guards; and

**WHEREAS**, the applicant has submitted an application to Community Board 3 that it is operating a restaurant tavern with a certificate of occupancy of one hundred fifty (150) people, twelve (12) tables and twenty-four (24) seats, hours of operation of 3:00 P.M. to 4:00 A.M. Mondays through Fridays and 11:00 A.M. to 4:00 A.M. Saturdays and Sundays, a twenty-seven (27) foot bar with twelve (12) stools, a kitchen open during all hours of operation, two (2) televisions, recorded music, DJs once a month, no answer to the question about promoted events, scheduled performances or events with cover fees, happy hours to 8:00 P.M. and no wait lines outside, and is seeking to have one (1) to two (2) security guards Sundays through Wednesdays and three (3) to four (4) security guards Thursdays through Saturdays; and

**WHEREAS**, the applicant has violations pending before the SLA for unlicensed alteration, alteration to its method of operation and dancing and its attorney has stated that the violation for altering its method of operation is for having security guards; and

**WHEREAS**, the attorney for the applicant has conceded that the applicant has employed security guards since at least 2016; and

**WHEREAS**, this corporation was approved its full on-premises liquor license by Community Board 3 in April of 2011, with stipulations that it would 1) operate a full-service Basque tapas restaurant serving food to within one (1) hour of closing, 2) have hours of operation of 3:00 P.M. to 4:00 A.M. Mondays through Fridays and 11:00 A.M. to 4:00 A.M. Saturdays and Sundays, and 3) play ambient background music only, consisting of recorded music, except that it could employ DJs, at most once a month; and

**WHEREAS**, this corporation was issued a full on-premises liquor license by the SLA on September 23, 2011; and

**WHEREAS**, this corporation was then heard for a renewal in August of 2015 for complaints of loud music, large crowds blocking the sidewalk and traffic all night but especially Thursdays through Saturdays, unruly crowds screaming and yelling outside, DJs, operating contrary to its approved method of operation and signed stipulations by operating as a club, long lines and door staff failing to control crowds and lines, and Community Board 3 asked that the SLA enforce its approved method operation and impose stipulations on its method of operation that would become conditions of its license to 1) operate as a full-service Basque tapas restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation will be 3:00 P.M. to 2:00 A.M. Mondays through Fridays and 11:00 A.M. to 2:00 A.M. Saturdays and Sundays, 3) not commercially operate any outdoor areas, 4) employ at least one (1) security guard every day, from 10:00 P.M. to 2:00 A.M., to insure that there are no wait lines outside, 5) 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) play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee would be charged, 7) not apply for any alteration in its method of operation without first appearing before Community Board 3, 8) have "happy hours" to 8:00 P.M. each night, 9) not host pub crawls or party buses, 10) insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk at all times, 11) conspicuously post its stipulation form beside its liquor license inside of its business, and 12) provide a telephone number for residents to call with complaints and immediately address any resident complaints.

**WHEREAS**, the LES Dwellers submitted a statement in opposition to this application because the applicant 1) is seeking to legitimize one component of its noncompliant method of operation, 2) continues to operate contrary to its approved method of operation as a restaurant with recorded background music and DJs once a month, and 3) since last being heard by the community board, has had a conditional no contest plea on February 10, 2016, for illegal extension to the basement and failure to comply on August 16, 2015, and a conditional no contest plea on December 29, 2015, for failure to conform on March 13, 2015; and

**WHEREAS**, there were ten (10) letters from residents of the immediate area submitted in opposition to this application which included complaints of large crowds and patrons screaming, vomiting and fighting outside of the business, wait lines Fridays and Saturdays from 11:00 P.M. until closing, ineffective security guards, people leaving the business in a drunken, apparently overserved condition and the death of a patron in May of 2018; and

**WHEREAS**, YELP comments reflect numerous observations of security or bouncers at the location between April 16, 2016 and May 28, 2018, dancing between February 6, 2016 and April 11, 2018, wait lines between June 14, 2016 and January 27, 2018, cover fees between June 14, 2016 and March 4, 2018, and security and employees using flashlights to direct patrons throughout the business between November 25, 2015 and March 4, 2018; and

**WHEREAS**, based upon the foregoing, Community Board 3 believes that this location continues to operate contrary to the method of operation approved by the SLA and that the legalization of security guards that are already being used by the applicant as part of its business will not ameliorate the conditions created by this noncompliant method of operation since already employing security guards has apparently not resulted in better management of the business or its patrons; now

**THEREFORE BE IT RESOLVED** that Community Board 3 moves to deny the application for an alteration of the method of operation of the full on-premises liquor license for 161 Ludlow Food LLC, doing business as No Fun, for the premises located at 161 Ludlow Street, between East Houston Street and Stanton Street, New York, New York, to wit adding security guards.

**New Liquor License Applications**

15. Essex Hospitality LLC, 115 Delancey St @ Essex St (op)

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

To deny the application for a full on-premises liquor license for Essex Hospitality LLC, for the premises located at 115 Delancey Street, at the corner of Essex Street and Delancey 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 an Indian restaurant, with a kitchen open and serving food during all hours of operation.
- 2) its hours of operation will be 6:00 A.M. to 2:00 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 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 DJs, live music, 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 may have "happy hours" to 8:00 P.M. each night,
- 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 wait lines and will designate an employee to oversee patrons and noise on the sidewalk,
- 10) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board 3 is approving this application for a full on-premises liquor license although this is a location in an area with numerous full on-premises liquor licenses because 1) this location is part of a large-scale new development which included the addition of new businesses to this area, 2) this location is located on Delancey Street which is a large multi-lane commercial thoroughfare, and 3) the applicant has operated a restaurant with a full on-premises liquor license at 40 Greenwich Avenue, New York, New York, for two (2) years and an Indian restaurant with a wine beer license at 179 Essex Street, New York, New York, for more than six (6) years.

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

17. Yeo Malaysian Cuisine, 20 Pell St (wb)  
withdrawn

18. Nai Tapas (Nai Tapas Restaurant Corp), 85 2nd Ave @ E 5th St (wb)

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

**WHEREAS**, Nai Tapas Restaurant Corp. is seeking a wine beer license to operate a Spanish tapas restaurant, in the premises located at 85 Second Avenue, ground and second floors, at the corner of East 5th Street and Second Avenue; and

**WHEREAS**, this applicant is seeking to operate a Spanish tapas restaurant with a certificate of occupancy of one hundred forty-four (144) people, thirty-five (35) tables and one hundred eleven (111) seats on two (2) floors, a thirteen (13) foot bar with five (5) stools on the ground floor, hours of operation of 11:00 A.M. to 11:00 P.M. Sundays, 11:30 A.M. to 11:00 P.M. Mondays through Thursdays, 11:30 A.M. to 12:00 A.M. Fridays and 11:00 A.M. to 12:00 A.M. Saturdays, a sidewalk café of unspecified size on Second Avenue, a kitchen open during all hours of operation, French doors, no televisions, recorded and live background music, two (2) unamplified flamenco shows on Thursdays and Saturdays between 7:30 P.M. and 9:30 P.M., no security, happy hours to 7:00 P.M. and no wait lines outside; and

**WHEREAS**, this applicant appeared before Community Board 3 in June of 2018, seeking a full on-premises liquor license to operate a restaurant at this location and was denied its application by Community Board 3 because 1) it had stated an inadequate public benefit for approving a full on-premises liquor license for its business in that it stated that it was seeking a full on-premises liquor license to be able to offer a menu of cocktails to pair with food, 2) it was proposing to operate within five hundred (500) feet of twenty-eight (28) full on-premises liquor licenses and two (2) pending full on-premises liquor licenses, 3) there was community opposition to the addition of a full on-premises liquor license at this location, 4) this location is within two hundred feet of a house of worship, in that it is across the street from Iglesia Alianza Cristiana y Misionera a/k/a The Spanish Evangelical Church, located at 76 Second

Avenue, between East 4th Street and East 5th Street, and 5) it was operating contrary to its stipulations by hosting amplified live performances twice a week at its existing restaurant at 174 First Avenue; and

**WHEREAS**, the applicant has now stated that it will apply for a wine beer license for this business; and

**WHEREAS**, the applicant has furnished petition signatures, one hundred fifty-nine (159) of which were from area residents, in support of its application and a resident appeared in support of this application given that the applicant operates a longstanding business in the community; and

**WHEREAS**, a representative of the East 5th Street Block Association appeared and stated that the applicant has entered into a written memorandum regarding its method of operation; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a wine beer license for Nai Tapas Restaurant Corp., with a proposed business name of Nai Tapas, for the premises located at 85 Second Avenue, at the corner of East 5th Street and Second Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Spanish tapas restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 11:00 P.M. Sundays, 11:30 A.M. to 11:00 P.M. Mondays through Thursdays, 11:30 A.M. to 12:00 A.M. Fridays and 11:00 A.M. to 12:00 A.M. Saturdays,
- 3) it will only seek to obtain a sidewalk café permit for the Second Avenue side of its business and will not have any outdoor seating on East 5th Street,
- 4) it will install additional soundproofing,
- 5) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 6) it will play ambient background music only, consisting of recorded and live music, and will not have DJs, promoted events or any event at which a cover fee will be charged and may have two (2) scheduled flamenco shows on Thursdays and Saturdays between 7:30 P.M. and 9:30 P.M.,
- 7) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 8) it will not seek a change in class to a full on-premises liquor license without first obtaining the approval of Community Board 3,
- 9) it may have "happy hours" to 7:00 P.M. each night,
- 10) it will not host pub crawls or party buses,
- 11) it will not have unlimited drink specials with food,
- 12) it will use its East 5th Street entrance only as an emergency and service entrance and will have the main entrance of its business on Second Avenue,
- 13) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 14) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 15) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

19. Classic Man Barber Lounge (Classic Man LLC), 443-445 E 9th St btwn 1st Ave & Ave A (op)

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

**WHEREAS**, The Classic Man LLC has applied for a full on-premises liquor license for its barber shop, doing business as Classic Man Barber Lounge, at the premises located at 443-445 East 9th Street, between First Avenue and Avenue A, New York, New York; and

**WHEREAS**, this applicant is seeking a full on-premises liquor license for a barber shop in two rooms with a combined certificate of occupancy of thirty (30) people, no tables and no seats but eight (8) barber stools, a six (6) foot counter with three (3) or four (4) stools, hours of operation of 10:00 A.M. to 7:00 P.M. all days, a prep area serving food consisting of sandwiches, wraps and salads during all hours of operation, recorded background music, no

promoted events, scheduled performances or events with cover fees, no security, no soundproofing and no wait lines outside; and

**WHEREAS**, this is a previously unlicensed location on a residential side street; and

**WHEREAS**, there twenty-four (24) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but thirty-six (36) full on-premises liquor licenses and two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

**WHEREAS**, this applicant has no experience operating a licensed or similar business, has not previously operated a business in New York City and has only operated this business since January of 2018; and

**WHEREAS**, the applicant failed to demonstrate community support for this application, in that it furnished no petition signatures from area residents in support of its application and no person appeared to speak on its behalf; and

**WHEREAS**, the applicant cited no public benefit for the approval of a full on-premises liquor license for its business, rather stating that it needs to have a full on-premises liquor license to be competitive with other businesses, citing one (1) hair salon with a separate café and a wine beer license and The Blind Barber, located at 339 East 10th Street, which applied for a full on-premises liquor license as a bar which would have barber stools in a separate front room; and

**WHEREAS**, the applicant failed to cite that there are at least twenty-two (22) barber shops, including The Neighborhood Barber, located at 439 East 9th Street, a few doors away from this location, which operate without liquor licenses; and

**WHEREAS**, a representative of the 9th Street A-1 Block Association, appeared with nine (9) block residents in opposition to this application, provided a petition with sixty-four (64) signatures and three (3) letters from area residents, as well as a letter from the 441-447 East 9th Street Tenants Association, in opposition to this application and stated that residents are opposed to this application because 1) the applicant has been serving alcohol and has hosted at least one event where a liquor was its sponsor, 2) the applicant has advertised itself as a business open twenty-four (24) hours per day seven (7) days per week, 3) there are numerous licensed businesses immediately around this area, including eight (8) eating and drinking establishments on this block, four (4) of which have liquor licenses, 4) the applicant is seeking to operate a licensed business in a previously unlicensed location, 5) there is no public benefit to a barber shop serving alcohol, 6) neither principal has experience operating a licensed business, and 7) there will be noise from additional deliveries and the potential for increased rodent activity from this business; and

**WHEREAS**, when shown an article in which the applicant had stated that it was open twenty-four (24) hours per day seven (7) days per week, the applicant stated that it had meant that it was "available to customers" twenty-four (24) hours per day but then when asked what its hours of operation were, it alternatively stated that it closes at 8:00 P.M. and 11:00 P.M., neither of which was consistent with its application; and

**WHEREAS**, the applicant has conceded that it has been serving alcohol and has hosted at least one event sponsored by a tequila; and

**WHEREAS**, Community Board 3 believes that this applicant should not be approved for a full on-premises liquor license given its lack of experience operating a licensed or similar business, its present operation in violation of the Alcohol Beverage Control Law by serving liquor, its inconsistent representations about the hours of operation of its business, a location that has never been licensed, community opposition and numerous full on-premises liquor licenses within close proximity; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for Classic Man LLC, doing business as Classic Man Barber, for the premises located at 443-445 East 9th Street, between First Avenue and Avenue A, New York, New York.

20. Spicewal Bar/Apna Masala/Mancora (US Lions Inc), 344 E 6th St @ E 1st St (op)

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

To deny the application for a full on-premises liquor license for US Lions Inc., with proposed business names of Mancora and Apna Masala, for the premises located at 344 East 6th Street, at the corner of First Avenue and East 6th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as an Indian and Latin 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 1:00 A.M. Fridays and Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 5) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation or for any physical alterations 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 liquor licenses within five hundred (500) feet of this location because 1) this is a sale of assets of an existing restaurant with a full on-premises liquor license, 2) the applicant has stated that it would maintain the restaurant business names and method of operation of this business, and 3) the applicant has operated a Sri Lankan restaurant in Staten Island.

21. Shinsen (Bowery Gyokai LLC), 44 Bowery btwn Canal & Bayard Sts (upgrade/op)

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

**WHEREAS**, Bowery Gyokai LLC, doing business as Shinsen, is seeking a change in class of its wine beer license to a full on-premises liquor license for its restaurant located at 44 Bowery, between Canal Street and Bayard Street; and

**WHEREAS**, the questionnaire submitted by the applicant indicates that this applicant is also seeking to extend its closing times to 2:00 A.M. Sundays through Thursdays and 2:30 A.M. Fridays and Saturdays; and

**WHEREAS**, an application for a wine beer license for this applicant was administratively approved by Community Board 3 in May of 2017 because the applicant agreed to make as conditions of its license the stipulations that it would 1) operate a full-service sushi restaurant with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 7:00 A.M. to 12:00 A.M. all days, 3) not commercially operate any outdoor areas, 4) not seek a change in class to a full on-premises liquor license without first obtaining the approval of Community Board 3, 5) play recorded background music and not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee would be charged, 6) not apply for an alteration in its method of operation without first appearing before Community Board 3, 7) 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, 8) not host pub crawls or party buses, 9) not have unlimited drink specials with food, 10) have happy hours to 7:00 P.M. each night, 11) not have wait lines outside, 12) conspicuously post its stipulation form beside its liquor license inside of its business, and 13) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, the applicant has operated this restaurant for a short period of time and was only issued a wine beer license by the SLA on May 16, 2018; and

**WHEREAS**, this applicant has no experience operating a licensed or similar business; and

**WHEREAS**, the applicant cited no public benefit for the approval of a full on-premises liquor license for its business, rather stating that it is seeking to obtain a full on-premises liquor license and expand its hours of operation in order to be competitive with surrounding businesses but then only citing the neighboring hotel as a location with later hours of operation and a full on-premises liquor license and one longstanding business that was open until 4:00 A.M.; and

**WHEREAS**, the applicant failed to demonstrate community support for this application, in that it furnished sixteen (16) petition signatures from area residents in support of its application, and no person appeared to speak on its behalf; and

**WHEREAS**, this is a previously unlicensed location which last operated as a retail store; and

**WHEREAS**, although the applicant represented that there are two (2) full on-premises liquor licenses within five hundred (500) feet of this location, there are six (6) full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

**WHEREAS**, Community Board 3 believes that this applicant should not be approved for a full on-premises liquor license given its lack of experience operating a licensed or similar business, its lack of operating history for this business, its lack of community support, its proposed change in its hours of operation and given that this location is within five hundred (500) feet of six (6) full on-premises liquor licenses; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a change in class of a wine beer license to a full on-premises liquor license for Bowery Gyokai LLC, doing business as Shinsen, for its restaurant located at 44 Bowery, between Canal Street and Bayard Street.

- 22. Down and Out (Down and Out Brooklyn LLC), 197 E 3rd St btwn Aves A & B (op) withdrawn
- 23. TCA Restaurant LLC, 46-48 Bowery (op) withdrawn
- 24. Sushi Bada (S&D Wave Group Inc), 199 2nd Ave btwn E 12th & E 13th Sts (wb)

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

**WHEREAS**, S&D Wave Group Inc. initially appeared before Community Board 3 seeking a full on-premises liquor license to operate a Japanese restaurant in the premises located at 199 Second Avenue, between East 12th Street and East 13th Street; and

**WHEREAS**, Community Board 3 was concerned about granting a full on-premises liquor license to this applicant given that 1) this application is for a full on-premises liquor license for a Japanese restaurant with a limited menu and limited hours of operation in a location which has never had a business with a full on-premises liquor license, 2) it is proposing to operate within five hundred (500) feet of twenty (20) full on-premises liquor licenses and one (1) pending full on-premises liquor license, 3) the applicant failed to demonstrate community support for this application, and 4) the applicant has no experience operating a licensed business within New York City; and

**WHEREAS**, given the concerns of Community Board 3, the applicant has now stated that it will apply for a wine beer license for this business; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a wine beer license for S & D Wave Group Inc., with a proposed business name of Sushi Bada, for the premises located at 199 Second Avenue, between East 12th and East 13th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Japanese restaurant, with a kitchen open and serving food during all hours of operation,

- 2) its hours of operation will be 4:30 P.M. to 11:30 P.M. Sundays, 4:30 P.M. to 11:30 P.M. Mondays through Thursdays and 4:30 P.M. to 12:00 A.M. Fridays and Saturdays
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade 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,
- 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 have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will insure that there are no wait lines outside 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.

25. UKI Freedom LLC, 136 2nd Ave btwn St Marks Pl & E 9th St (op)

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

**WHEREAS**, UKI Freedom LLC, is seeking a full on-premises liquor license for a restaurant located at 136 Second Avenue, between Saint Marks Place and East 9th Street, New York, New York; and

**WHEREAS**, this is an application for a French American Ukrainian restaurant with a combined certificate of occupancy of seventy-four (74) people on the ground floor and basement, fifteen tables and thirty-six (36) seats with eleven (11) tables and twenty-six (26) seats on the ground floor and four (4) tables and ten (10) seats in the basement, a twenty-six (26) foot bar, a sixteen (16) foot bar and a thirteen (13) bar with two (2) bars with twenty-three (23) stools on the ground floor and one (1) bar with fifteen (15) stools in the basement, a backyard with nine (9) tables and twenty-four (24) seats and hours of operation of 11:00 A.M. to 6:00 P.M. all days, a sidewalk café, hours of operation for the interior space of 8:00 A.M. to 4:00 A.M. all days, a kitchen open during all hours of operation, French doors, no televisions, recorded background music, no promoted events, scheduled performances or events with cover fees, no security and no wait lines outside; and

**WHEREAS**, there are twenty-three (23) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but forty (40) full on-premises liquor licenses and one (1) pending full on-premises liquor license within five hundred (500) feet of this location per the SLA LAMP map; and

**WHEREAS**, although this location is currently unlicensed, it was last operated as a tavern that closed approximately four (4) years ago and the applicant then leased the space and has been engaged in substantial renovations, including structural renovations, since that time; and

**WHEREAS**, the applicant has stated that this location will be a restaurant which will host Ukrainian events, meetings and dinners by organizations from the longstanding local Ukrainian community; and

**WHEREAS**, the applicant has stated that ground floor would be open all days and the cellar area would be open a couple of times per week for groups, meetings or private dinners; and

**WHEREAS**, the applicant amended its application to eliminate the proposed backyard and sidewalk café and agreed to close the business at 2:00 A.M. all days; and

**WHEREAS**, the applicant furnished petition signatures, one hundred one (101) of which are from area residents in support of its application; and

**WHEREAS**, the applicant also furnished five (5) letters from organizations and businesses, including credit unions and a school within the local Ukrainian community, with a combined

constituency of thousands of people, and seven (7) people appeared to speak on behalf of the applicant who either operated a Ukrainian business within the building or the immediate neighborhood or through the Ukrainian community, each of whom cited the benefit of adding a full-service restaurant that could host events, meetings and dinners for local Ukrainian organizations; and

**WHEREAS**, between 2003 and 2008, the applicant operated Nitedreams, located at 259 Banker Street, Brooklyn, New York, a business with a full on-premises liquor license for which the applicant furnished a letter of no complaints from Community Board #1 Brooklyn; and

**WHEREAS**, notwithstanding the number of licensed businesses within close proximity to this location, Community Board 3 would support a full on-premises liquor license for this applicant with the amended hours of operation and no commercial use of any outdoor area given that its proposed business will service the longstanding Ukrainian community within this district; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for UKI Freedom LLC for a full on-premises liquor license for the premises located at 136 Second Avenue, between Saint Marks Place and East 9th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service French American Ukrainian 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 2:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 5) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged 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 may have "happy hours" to 8:00 P.M. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

26. Juke Bar (31 Orchard St Realty Inc), 301 E 12th St @ 2nd Ave (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 31 Orchard St Realty Inc., with a proposed business name of Juke Bar, for the premises located at 301 East 12th Street, a/k/a 196 Second Avenue, basement level, on Second Avenue between East 12th Street and East 13th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a tavern, with less than a full-service kitchen open and serving food to within one (1) hour of closing,
- 2) its hours of operation will be 5:00 P.M. to 4:00 A.M. Mondays through Fridays and 12:00 P.M. to 4:00 A.M. Saturdays and Sundays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will play recorded music and may have DJs and will not have promoted events, scheduled performances or any event at which a cover fee will be charged, but may have live unamplified music one (1) night per week, that being Sundays, provided said live music consists of no more than two (2) acoustic musicians playing between 5:00 P.M. and 10:00 P.M.,

- 6) it will employ one (1) security guard Fridays and Saturdays,
- 7) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 8) it 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 permit patrons to gather or loiter on the landing in front of its entrance,
- 12) it will maintain its primary entrance on Second Avenue with an emergency entrance on East 12th Street,
- 13) it will not have wait lines and will designate an employee to oversee patrons and noise on the sidewalk,
- 14) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 15) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board 3 is approving this application for a full on-premises liquor license although this is a location in an area with numerous liquor licenses within five hundred (500) feet of this location because 1) this is a sale of assets of an existing tavern with a full on-premises liquor license, 2) the applicant has stated that it would maintain the business name and method of operation of this business, and 3) the applicant has operated three (3) businesses with the same method of operation and full on-premises liquor licenses, to wit Trinity Pub at 229 East 84th Street since 1995, Gael Pub at 1465 Third Avenue since 2004 and Banshee Pub at 1373 First Avenue between 2000 and 2018.

27. Lena (Beste Bat LLC), 135-137 Eldridge St btwn Delancey & Broome Sts (upgrade/op)

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

To deny the application for a change in class of the wine beer license for Beste Bat LLC, doing business as Lena, to a full on-premises liquor license, for the premises located at 135-137 Eldridge Street, between Delancey Street and Broome 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 restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 4:30 P.M. to 12:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation or for any physical alterations 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 liquor licenses within five hundred (500) feet of this location because 1) the applicant is now operating a full-service French restaurant with moderate hours, including early closing hours all days, 2) the applicant has operated this business since June of 2017 and has operated the same business with no liquor license at 1 West 8th Street, New York, New York, for five (5) years, and 4) the applicant provided substantial support for its application, in that it furnished petition signatures, fifty-nine (59) of which were from area residents, and no one appeared in opposition to this application.

28. Cubmare Bar LLC, 115 Delancey St btwn Essex & Norfolk Sts (wb)

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

**WHEREAS**, Cubmare Bar LLC has applied for a wine beer license for a storefront within the cellar level Essex Market, located at 115 Delancey Street, between Essex Street and Norfolk Street, New York, New York; and

**WHEREAS**, this applicant is seeking to operate a wine bar restaurant with no listed certificate of occupancy, two (2) to four (4) tables and fifteen (15) seats, as well as using the communal seating in the market, a ten (10) foot counter with seven (7) stools, a kitchen open during all hours of operation, hours of operation of 10:00 A.M. to 2:00 A.M. all days, no televisions, recorded background music and security from the market; and

**WHEREAS**, given that this applicant will be one vendor in a multi-vendor, below-ground food market hall or commissary located on Delancey Street, Community Board 3 would support this application with stipulations governing its use; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a wine beer license for Cubmare Bar LLC, for the premises located at 115 Delancey Street, cellar level, between Essex Street and Norfolk Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a restaurant wine bar in a market hall commissary with its own seating and communal seating, with less than a full-service kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 10:00 A.M. to 2:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 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 the approval of Community Board 3,
- 7) it will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will not have wait lines outside,
- 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.

29. Essex Market Leasing Corp, 115 Delancey St btwn Essex & Norfolk Sts (wb)

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

**WHEREAS**, Essex Market Leasing Corp. has applied for a wine beer license for a storefront within the cellar level Essex Market, located at 115 Delancey Street, between Essex Street and Norfolk Street, New York, New York; and

**WHEREAS**, this applicant is seeking to operate a restaurant with no listed certificate of occupancy, a counter of unspecified size with three (3) counter stools, as well as using the communal seating in the market, a prep area serving food during all hours of operation, hours of operation of 10:00 A.M. to 2:00 A.M. all days, no televisions, recorded background music and security from the market; and

**WHEREAS**, given that this applicant will be one vendor in a multi-vendor, below-ground food market hall or commissary located on Delancey Street, Community Board 3 would support this application with stipulations governing its use; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a wine beer license for Essex Market Leasing Corp., for the premises located at 115 Delancey Street, cellar level, between Essex Street and Norfolk Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a German charcuterie with retail sales in a market hall commissary with communal seating, with less than a full-service kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 10:00 A.M. to 2:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 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 the approval of Community Board 3,
- 7) it will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will not have wait lines outside,
- 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.

30. Essex Pearl by Aquabest LLC, 115 Delancey St btwn Essex & Norfolk Sts (wb)

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

**WHEREAS**, Essex Pearl by Aquabest LLC has applied for a wine beer license for a storefront within the cellar level Essex Market, located at 115 Delancey Street, between Essex Street and Norfolk Street, New York, New York; and

**WHEREAS**, this applicant is seeking to operate a seafood restaurant with no listed certificate of occupancy, three (3) tables and twenty-four (24) seats, a thirty-five (35) foot bar with twenty-one (21) stools, a twelve (12) foot counter with four (4) stools, a kitchen open during all hours of operation, hours of operation of 10:00 A.M. to 2:00 A.M. all days, no televisions, recorded background music and security the market; and

**WHEREAS**, given that this applicant will be one vendor in a multi-vendor, below-ground food market hall or commissary located on Delancey Street, Community Board 3 would support this application with stipulations governing its use; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a wine beer license for Essex Pearl by Aquabest LLC, for the premises located at 115 Delancey Street, cellar level, between Essex Street and Norfolk Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service seafood restaurant with a retail seafood market in a market hall commissary with its own seating, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 10:00 A.M. to 2:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 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 the approval of Community Board 3,
- 7) it will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will not have wait lines outside,
- 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.

31. Ippudo NY LLC, 115 Delancey St btwn Essex & Norfolk Sts (wb)

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

**WHEREAS**, Ippudo NY LLC has applied for a wine beer license for a storefront within the cellar level Essex Market, located at 115 Delancey Street, between Essex Street and Norfolk Street, New York, New York; and

**WHEREAS**, this applicant is seeking to operate a ramen noodle kiosk with no listed certificate of occupancy, communal seating in the market, an eleven (11) foot by thirteen (13) foot bar with no stools, a prep area serving food during all hours of operation, hours of operation of 10:00 A.M. to 2:00 A.M. all days, no televisions, no music and security from the market; and

**WHEREAS**, given that this applicant will be one vendor in a multi-vendor, below-ground food market hall or commissary located on Delancey Street, Community Board 3 would support this application with stipulations governing its use; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a wine beer license for Ippudo NY LLC, for the premises located at 115 Delancey Street, cellar level, between Essex Street and Norfolk Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a ramen noodle food kiosk in a market hall commissary with communal seating, with less than a full-service kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 10:00 A.M. to 2:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will not play music but will use the ambient recorded music from the market,
- 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 the approval of Community Board 3,
- 7) it will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will not have wait lines outside,
- 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.

32. Nixtamal at Market Line LLC, 115 Delancey St btwn Essex & Norfolk Sts (wb)

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

**WHEREAS**, Nixtamal at Market Line LLC has applied for a wine beer license for a storefront within the cellar level Essex Market, located at 115 Delancey Street, between Essex Street and Norfolk Street, New York, New York; and

**WHEREAS**, this applicant is seeking to operate a Mexican tortilla restaurant with no listed certificate of occupancy, two (2) tables and sixteen (16) seats and communal seating in the market, a six (6) to eight (8) foot counter with four (4) counter stools, a kitchen open during all hours of operation, hours of operation of 10:00 A.M. to 2:00 A.M. all days, one (1) television, recorded background music and security from the market; and

**WHEREAS**, given that this applicant will be one vendor in a multi-vendor, below-ground food market hall or commissary located on Delancey Street, Community Board 3 would support this application with stipulations governing its use; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a wine beer license for Nixtamal at Market Line LLC, for the premises located at 115 Delancey Street, cellar level, between Essex Street and Norfolk Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a Mexican restaurant in a market hall commissary with its own seating and communal seating, with a kitchen open and serving food during all hours of operation,

- 2) its hours of operation will be 10:00 A.M. to 2:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 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 the approval of 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 outside,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

33. Veselka Essex LLC, 115 Delancey St btwn Essex & Norfolk Sts (wb)

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

**WHEREAS**, Veselka Essex LLC has applied for a wine beer license for a storefront within the cellar level Essex Market, located at 115 Delancey Street, between Essex Street and Norfolk Street, New York, New York; and

**WHEREAS**, this applicant is seeking to operate an Eastern European restaurant with no listed certificate of occupancy, one (1) table and ten (10) seats and communal seating in the market, a counter of unspecified size with five (5) counter stools, a prep area serving food during all hours of operation, hours of operation of 10:00 A.M. to 2:00 A.M. all days, no televisions and security from the market; and

**WHEREAS**, given that this applicant will be one vendor in a multi-vendor, below-ground food market hall or commissary located on Delancey Street, Community Board 3 would support this application with stipulations governing its use; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a wine beer license for Veselka Essex LLC, for the premises located at 115 Delancey Street, cellar level, between Essex Street and Norfolk Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as an Eastern European restaurant in a market hall commissary with its own seating and communal seating, with less than a full-service kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 10:00 A.M. to 2:00 A.M. all days,
- 3) it will not commercially operate any outdoor areas,
- 4) it will not play music but will use the ambient recorded music from the market,
- 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 the approval of Community Board 3,
- 7) it will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will not have wait lines outside,
- 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.

**Hotel Applications**

34. Ok Houston Hotel LLC, 151 E Houston St at Eldridge St (op)

**VOTE: TITLE: COMMUNITY BOARD 3 RESOLUTION DENYING THE FULL HOTEL ON-PREMISES LIQUOR LICENSE FOR OK HOUSTON HOTEL LLC, DOING BUSINESS AS THE RIDGE HOTEL, FOR 151 EAST HOUSTON STREET, BECAUSE IT WOULD NOT AGREE TO CERTAIN RESTRICTIONS ON USE**

**WHEREAS**, the applicant, OK Houston Hotel LLC, by its qualified representative or principal, is seeking to obtain a full on-premises liquor license for a six (6) story hotel, doing business name The Ridge Hotel, located at 151 East Houston Street, at the corner of Eldridge Street and East Houston Street, New York, New York; and

**WHEREAS**, said applicant will maintain the primary method of operation of said location for temporary lodging, with its primary entrance located on East Houston Street, at the corner of Eldridge Street and East Houston Street, and will maintain the following ancillary public uses:

- 1) an interior ground floor lobby of approximately five hundred (500) square feet, with no food or alcohol service, a closed facade and open during all hours of operation with seating for registration; and
- 2) an interior basement restaurant tavern lounge of one thousand (1,000) square feet with a certificate of occupancy of forty-two (42) people, eight (8) tables and thirty-one (31) seats, an eighteen (18) foot bar with nine (9) stools, hours of operation of 6:00 A.M. to 12:00 A.M. Sundays through Wednesdays for the public and 6:00 A.M. to 2:00 A.M. for hotel guests and 6:00 A.M. to 2:00 A.M. Thursdays through Saturdays for all guests, a kitchen serving food during all hours of operation, a closed façade, recorded background music, no DJs, live music, promoted events, scheduled performances or events with cover fees, no pub crawls or party buses, happy hours to 7:00 P.M. each night and no wait lines outside; and
- 3) an exterior rooftop of approximately six hundred (600) to seven hundred (700) square feet with an anticipated certificate of occupancy of sixty-seven (67) people, no food or alcohol service and no music; and

**WHEREAS**, this location previously housed a hotel and that applicant was approved for a hotel liquor license but operated its hotel without ever installing a kitchen; and

**WHEREAS**, this applicant purchased this hotel and has operated this hotel without a liquor license since July of 2017; and

**WHEREAS**, the applicant has twenty-one (21) years' experience operating hotels in Miami and Chelsea; and

**WHEREAS**, the applicant stated that the service of alcohol will be confined to the basement restaurant tavern lounge and hotel rooms and there will be no alcohol service to other public areas of the hotel; and

**WHEREAS**, there are twenty-six (26) full on-premises liquor licenses within five hundred (500) feet of this location; and

**WHEREAS**, the applicant entered into a memorandum of understanding governing its operation with the Eldridge Street Block Association and the First Street Block Association which included no food, music or alcohol service to the rooftop, hours of operation for the rooftop are 8:00am to 11:00pm Sunday through Thursday and 8:00am to 12:00am Friday and Saturday, and the rooftop restricted to hotel guests and their guests; and

**WHEREAS**, Community Board 3 was concerned about the proposed hours of operation and occupancy of the rooftop given its proximity to residential windows and given that it overlooks a narrow residential street; and

**WHEREAS**, given that the applicant has entered into a memorandum of understanding with the Eldridge Street Block Association and the First Street Block Association regarding its method of operation, Community Board 3 have supported this application, incorporating most of the stipulations agreed upon between the applicant and the block associations provided that the applicant agreed to further limit the occupancy and hours of operation of its rooftop; and

**WHEREAS**, the applicant would not agree to the stipulations; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application to obtain a full on-premises liquor license for OK Houston Hotel LLC for a six (6) story hotel,

located at 151 East Houston Street, at the corner of Eldridge Street and East Houston Street, New York, New York because the applicant would not agree to make as conditions of its license the following stipulations, that

**Generally,** 1) the entrance to the hotel which is located on East Houston Street, between Eldridge Street and Allen Street, will be its primary entrance; 2) the side entrance of the hotel, which is located on Eldridge Street, directly adjacent to the residential apartment building 246 Eldridge Street and across the street from the residential apartment building 249 Eldridge Street, will be used for emergency egress, a handicap ramp and luggage transport only; 3) garbage pickup will occur on Eldridge Street; 4) to alleviate traffic congestion on Eldridge Street and to prevent taxis and limousines from blocking traffic on Eldridge Street, all loading and unloading of guests and service deliveries will be effected on East Houston Street rather than on Eldridge Street; 5) the applicant will make efforts to prevent taxis or limousines from standing on East Houston Street and Eldridge Street, by assigning personnel whose responsibilities include monitoring hotel traffic; 6) all exterior lights located on the hotel roof or façade, including any on East Houston Street, will be low intensity and directed down or away from neighboring windows and facades; 7) the applicant will make all efforts to prevent patrons from loitering or smoking on Eldridge Street; 8) the applicant will provide waiting areas within the hotel, rather than allowing patrons to wait outside; 9) the applicant will station security personnel at its ground floor hotel entrance and by the basement elevator entrance to monitor patrons entering and leaving the hotel restaurant tavern lounge located in the basement; 10) the applicant will not have wait lines outside and will designate an employee responsible to oversee patrons on the sidewalk and ensure no crowds or noise outside; 11) the applicant will post signs outside asking patrons to be quiet; 12) there will be a manager or owner as a contact person onsite at all times to manage customer noise inside and outside and immediately respond to any complaints from residents; 13) the applicant will be respectful of and responsive to neighboring residents at all times; and

**Specifically,**

**With respect to the first floor lobby,** 14) it will operate as a check in check out area and seating area for lodgers; 15) there will be no food or alcohol service in the lobby; 16) only recorded background music will be played in the lobby and there will not be live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged; and

**With respect to the basement restaurant tavern lounge,** 17) it will operate as a full-service restaurant, with a commercial kitchen open and serving a full menu of breakfast, lunch and dinner during all hours of operation for the restaurant tavern lounge and hotel rooms; 18) its hours of operation will be 6:00 A.M. to 12:00 A.M. Sundays through Wednesdays for non-hotel guests, 6:00 A.M. to 2:00 A.M. Sundays through Wednesdays for hotel guests and 6:00 A.M. to 2:00 A.M. Thursdays through Saturdays for all guests; 19) 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 it will not have bass or subwoofers in the basement; 20) it will have a closed fixed facade with no open doors or windows; 21) it will not apply for a cabaret license, 22) it will soundproof the walls adjacent to 246 Eldridge Street and across the street from 249 Eldridge Street consistent with the recommendations of a sound engineer, 23) it may have happy hours to 7:00 P.M. each night; 24) it will not host pub crawls or party buses; 25) it will not have unlimited drink specials with food; 26) it will only be accessed through the hotel lobby; 27) the applicant will be the sole owners and operators of the basement restaurant tavern lounge; and

**With respect to the rooftop,** 28) its regular use will be as a quiet gathering place for hotel guests and their guests only and it will not be otherwise open to the public; 29) no music of any kind will be played on the rooftop; 30) this area will have no more than thirty (30) people in it at any given time and will have seating for no more than thirty (30) people; 31) its hours of operation will be from 8:00 A.M. to 11:00 P.M. all days and there will be no organized or scheduled activities before 9:00 A.M.; 32) as the rooftop is separated from the windows of residential apartments located at 249 Eldridge Street by only fifty-two (52) feet, a sound baffling wall of forty-two (42) inches will be maintained; 33) only low, dim ambient lighting will be used on the rooftop at night and light fixture type and fixture location and direction will be considered so that no glare is directed towards the windows of 249 Eldridge Street or towards the buildings located across the street on East 1st Street, between First Avenue and

Second Avenue, and efforts will be made to consult with residents of affected buildings to ascertain if the rooftop lighting is an acceptable intensity; and 34) the applicant will be the sole owners and operators of the rooftop.

**Items not heard at Committee**

- 35. AR Restaurant (40 Mulberry Restaurant Inc), 40 Mulberry St (op/corp change)  
no vote necessary
- 36. Tac N Roll (Tac N Roll LLC), 124 E 4th St (wb)  
no vote necessary
- 37. Hunan Slurp Shop (QIYI LLC), 112 1st Ave (wb)  
no vote necessary
- 38. Entity to be formed by German Rizzo, 192 E 2nd St (wb)  
no vote necessary
- 39. Oda House NY Inc, 76 Ave B (wb)  
no vote necessary
- 40. Sushibym Inc, 75 E 4th St (wb)  
no vote necessary
- 41. THTG Inc, 115 Delancey St (wb)  
no vote necessary
- Vote to adjourn  
approved by committee

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

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

- 1. Approval of previous month's minutes  
approved by committee
- 2. DOT presentation: 3rd / 4th Street bike lane proposal  
**VOTE: TITLE: DOT installation of bike lanes on 3rd and 4th Streets from Avenue D through 6th Avenue**

Whereas, NYC DOT proposes installation of traffic calming and bike lanes on 3rd and 4th streets between Avenue D and 6th Avenue. A standard five feet wide bike lane with painted pathways will be established. There will be no changes to parking and traffic patterns;

Whereas, growth in cycling and traffic increased in the past five years and street design increase safety for pedestrians and drivers;

Therefore, be it resolved that CB3 approves of the installation of the bike lanes between Avenue D and Bowery St on 3rd and 4th Streets

- 3. MTA: L Line reconstruction update  
no vote necessary
- 4. Support for Clinton/Delancey traffic changes  
no vote necessary
- 5. District Needs Statement  
vote to approve
- 6. Vote to adjourn  
approved by committee

**33 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. District Needs Statement  
vote to approve
- 3. Parks: Presentation of the proposed design for the renovation of Playground One  
**TITLE: VOTE: To Support the Proposed Design and Renovation of Playground One**

Support for the Proposed Design and Renovation of Playground One

Presentation of the proposed design for the renovation of Playground One

**WHEREAS**, Playground One, located on Madison St. between Catherine St. and Oliver St., is a Community Parks Initiative; and

**WHEREAS**, the park design will upgrade active spaces, improve overall circulation and use of space; and

**WHEREAS**, the park design will add much needed multi-generational seating; and

**WHEREAS**, the removal of the existing spray shower will allow for more overall play space; and

**WHEREAS**, permeable surface area will increase; and

**WHEREAS**, the multi-play area will allow for more sports opportunities and facilitate community events; and

**WHEREAS**, the new play structures will provide active and sensory play with more challenging play equipment; and

**WHEREAS**, the new design will provide a more welcoming park perimeter; so

**THEREFORE BE IT RESOLVED**, that Community Board 3 supports the proposed design of Playground One, with the fence around the basketball courts/multi-play area being left at the current height and instead use those funds to repair surrounding sidewalks.

4. EDC: Pier 42: schematic design of playground

**TITLE: VOTE: To Support the Updated Schematic Design of the Pier 42 Playground**

Support for the updated schematic design of the Pier 42 Playground

**WHEREAS**, Pier42, located along the East River, is being redeveloped as to reclaim waterfront area as a park and create a resilient waterfront; and

**WHEREAS**, the rehabilitation of Pier 42 has for many years been the CB 3 # 1 capital budget priority for the community; and

**WHEREAS**, the proposed playground design includes more seating and boulders throughout the park; and

**WHEREAS**, Parks will use solar Big Bellies in high traffic areas; and

**WHEREAS**, the park will have 2 individual play areas; one for 2-5 year olds and the other for 5-12 year olds with colors consistent with the overall Pier and park design; and

**WHEREAS**, the comfort station will have a lighter color consistent with the park design; and

**WHEREAS**, the ferry landing area is designed to steer pedestrian traffic to the east and west routes and not through the playground areas; and

**WHEREAS**, EDC will continue to work with the ESCR and CB3 towards the final design of the park and will return to CB 3 for approval of the next stage of design; so

**THEREFORE BE IT RESOLVED**, that Community Board 3 supports the updated schematic design of Pier 42 playground.

5. EDC: Update on Pier 36 repair

no vote necessary

6. Report from Arts & Cultural Affairs Subcommittee

see arts & cultural affairs subcommittee section

7. Vote to adjourn

approved by committee

**33 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: 84 Second Avenue: Rear yard, rooftop additions, storefront infill replacement and window replacement**

**VOTE: TITLE: Partial and conditional approval of the Certificate of Appropriateness application for 84 Second Avenue**

Whereas, CB3 passed resolutions in October 2017 and January 2018 regarding a Certificate of Appropriateness application for 84 Second Avenue, in general finding the plan for the front façade appropriate while finding the rear yard addition inappropriate; and

WHEREAS, the building now has a new owner with a plan which includes a front façade restoration whose appropriateness is questionable; and

WHEREAS, the new design eliminates significant features of the front façade, namely the trapezoidal store window, the recessed doors, and the tile vestibule floors--elements which previous CB 3 resolutions found to be essential; and

WHEREAS, the architect claims that the trapezoidal store window cannot be replicated due to acoustical requirements imposed by the Office of Environmental Remediation OER); and

WHEREAS, the newly proposed raised rooftop to allow utilization of the fifth floor, the bulkhead and safety railing are visible from Second Avenue, they are much less intrusive than the prior proposals; and

WHEREAS, due to acoustic requirements described by the architect, all of the wood windows, except on the third floor, must be replaced with aluminum windows which closely resemble the existing windows; and

WHEREAS, the plan contemplates a rear-yard addition completely filling the rear yard on the first floor and 17 feet deep on floors two through five; and

WHEREAS, balconies (eliminated in the second application for this property) are back on the rear façade in this latest proposal; and

WHEREAS, CB 3 finds that (1) without the historic storefront, (2) with the gutting of the building, (3) with the raised rooftop, and (4) with the addition of a very large rear yard extension, 84 Second Avenue will be essentially a new building; and

WHEREAS, the extent of the proposed construction is a major intervention to the historic structure; and

WHEREAS, the neighbors have submitted a petition against the proposal containing 160 signatures, so

Therefore be it resolved, CB3 conditionally approves the front façade plan only if the trapezoidal storefront window can be retained and opposes the rear yard addition:

- The applicant must work with LPC staff and OER to find a way to replicate the historic storefront; without the historic storefront, the application must be denied
- the applicant along with LPC staff should strive to minimize the visual impact of the rooftop changes
- if the rear-yard addition cannot be omitted, then its scale and height should be reduced
- the balconies on the rear-yard addition should be eliminated
- great care should be taken to monitor this fragile building and its neighboring buildings in the historic district during construction.

3. District Needs Statement

VOTE: To approve District Need Statement.

4. Vote to adjourn

approved by committee

**33 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. ULURP C 180290 ZSM: 9 Orchard St – request for special permit to modify height and setback requirements to construct a roof deck, chair lift, and stairs on the roof of a 13-story LPC-designated building

**VOTE:** To approve ULURP C 180290 ZSM request for a special permit to modify height and setback requirements to construct a roof deck, chair lift, and stairs on the roof of 9 Orchard Street, a 13-story LPC-designated building.

3. District Needs Statement

**VOTE:** To approve District Needs Statement is as amended.

4. BSA 2-10-BZ: 310 East 14th St (Mount Sinai Beth Israel/NYEE) – request to amend special permit to include merging of two additional tax lots into development site

**VOTE: TITLE: Choose Not to Review BSA Cal. No.2-10-BZ**

Whereas, the request is to amend a special permit to include merging of two additional tax lots into the development site; and

Whereas, the overall plan for the reconstitution of Beth Israel is of serious concern to this neighborhood because of the lack of clarity about that process and no clear understanding about the public health effects Beth Israel transition will have on the community as well as reduction in the number of beds; and

Whereas, several hospitals in lower Manhattan, including St. Vincent's and Cabrini, have already been lost; and

Whereas, the plan overall includes a very lucrative sale of the current Beth Israel hospital property to the north

Whereas, there has been no discussion of the inclusion of affordable housing in the development of the property being sold; so

Therefore Be It Resolved, CB 3 chooses not to review BSA Cal. No.2-10-BZ.

5. Two Bridges: Minor Modification applications and DEIS: process and timeline  
no vote necessary
6. Report from Public Housing & Section 8 Housing Subcommittee  
no public housing meeting scheduled
7. Vote to adjourn  
approved by committee

**33 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Land Use items 2, 4)**

**22 YES 6 NO 5 ABS 0 PNV MOTION PASSED (Land Use item 4)**

**27 YES 5 NO 1 ABS 0 PNV MOTION PASSED (Land Use item 2)**

**Arts & Cultural Affairs Subcommittee**

1. Approval of previous month's minutes  
approved by committee
2. District Needs Statement  
**VOTE:** To approve District Needs statements with suggested edits.
3. Vote to adjourn  
approved by committee

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