



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Jamie Rogers, Board Chair

Susan Stetzer, District Manager

October 2017 Vote Sheet

Executive Committee

- FY'2019 Capital & Expense Priorities

VOTE: To approve the ranking of Expense and Capital budget priorities as amended by the executive committee.

40 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Personnel Committee

- Consider candidates for Assistant District Manager

VOTE: To approve the personnel taskforce recommendation for first and second choice candidates for Assistant District Manager.

38 YES 0 NO 2 ABS 0 PNV MOTION PASSED

SLA & DCA Licensing Committee

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

Applications within Saturated Areas

2. Eastville Comedy Club Inc, 20 Ave A @ E 2nd St (op/removal from 85 E 4th St)

VOTE: To deny the application for the removal of a full on-premises liquor license for Eastville Comedy Club Inc., doing business as Eastville Comedy Club, from its current location at 85 East 4th Street, between Second Avenue and Cooper Square, to the premises located at 20 Avenue A, at the corner of Avenue A and East 2nd 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 comedy club with a certificate of occupancy of seventy-four (74) people, with one (1) scheduled show weekdays and two (2) scheduled shows weekends, and will serve alcohol only to ticketholders,
- 2) its hours of operation will be 6:00 P.M. to 11:00 P.M. Sundays through Thursdays and 6:00 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 have sound equipment to amplify comedians, promoted events, scheduled performances and events at which a cover fee will be charged, but will not have DJs or recorded or live music,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials,
- 10) it will not have wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board 3 is approving this application for a full on-premises liquor license although this location is in an area with numerous full on-premises liquor licenses because 1) this applicant has operated an existing comedy club in this neighborhood for approximately ten (10) years and has held a full on-premises liquor license at that location since January of 2011, and is now seeking to operate the same business at this new location, 2) it will host limited shows or performances within limited hours of operation in that it intends to host one (1) to two (2) shows per night with no show ending later than 11:30 P.M., 3) it is intending to have an interior waiting area to minimize the number of people waiting outside, and 4) this applicant furnished fifteen (15) petition signatures from area residents in support of its application.

3. Lucky One Enterprise Inc, 20 St Marks Pl (op)
withdrawn

Alterations

4. The Fern (AGN Restaurant LLC), 166 1st Ave btwn E 10th & E 11th Sts (op/alt/reconfig cellar and 1st fl seating, eliminate 1st fl server station, increase length of basement bar, replace food prep station with office)

VOTE: TITLE: Community Board 3 Recommendation To Approve

To approve the application for an alteration of the full on-premises liquor license for AGN Restaurant LLC, doing business as The Fern, for the premises located at 166 First Avenue, between East 10th Street and East 11th Street, to wit changing seating on the first floor from thirteen (13) tables and thirty-five (35) seats to nineteen (19) tables and forty-seven (47) seats and in the cellar from eight (8) tables and twenty-six (26) seats to nine (9) tables and twenty (20) seats, changing the cellar bar from six (6) feet and three (3) stools to twelve (12) feet and six (6) stools and replacing the cellar food prep station with office space.

New Liquor License Applications

5. Paloma Rocket (Clinton Craft LLC), 77 2nd Ave btwn E 4th & E 5th Sts (removal from 7 Clinton St/upgrade to op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Clinton Craft LLC is seeking to remove its wine beer license for its tavern and retail beer store currently located at 7 Clinton Street, between East Houston Street and Stanton Street, to 77 Second Avenue, north storefront, a/k/a 79 Second Avenue, between East 4th Street and East 5th Street; and

WHEREAS, this applicant is also seeking a change in class of its wine beer license to a full on-premises liquor license once at the premises located at 77 Second Avenue, between East 4th Street and East 5th Street; and

WHEREAS, the wine beer license for this applicant at 7 Clinton Street was administratively approved by Community Board 3 in November of 2014, provided that the applicant agreed to make as conditions of its license stipulations that it would 1) operate a beer store and wine bar, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 12:00 P.M. to 12:00 A.M. all days, 3) not commercially operate any outdoor areas, 4) close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances, 5) 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 would be charged, 6) not apply for any alteration in its method of operation without first appearing before Community Board 3, 7) not seek a change in class to a full on-premises liquor license without first obtaining the approval of Community Board 3, 8) conspicuously post this stipulation form beside its liquor license inside of its business, and 9) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, the applicant began operating its business on March 31, 2016; and

WHEREAS, the applicant was then denied an alteration to extend its operating hours by Community Board 3 in June of 2016, unless the applicant agreed to make as an amended condition of its license, with all other stipulations remaining the same, the stipulation that its hours of operation would be 6:00 P.M. to 12:00 A.M. Sundays through Thursdays and 6:00 P.M. to 2:00 A.M. Fridays and Saturdays; and

WHEREAS, 79 Second Avenue has long been operated as a vegetarian Indian restaurant and Community Board 3 most recently denied an application for a restaurant wine license for this location to Triangle Four Corp., with a proposed business name of Heart of India, in April of 2010, unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate as a full-service Indian restaurant, serving food to within one (1) hour of closing, 2) have hours of operation 11:00 A.M. to 12:00 A.M. Sundays through Thursdays and 11:00 A.M. to 1:00 A.M. Fridays and Saturdays 3) close any façade windows at 10:00 P.M. every night, 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 would be charged, and 5) designate an employee or employees whose responsibilities would include monitoring the sidewalk in front of the business to deter noise and congestion from patrons; and

WHEREAS, this applicant has now stated that it is seeking to operate a "sports bar" with no listed certificate of occupancy, self-serve and retail beer, twelve (12) tables and forty-eight (48) seats, a sidewalk café of four (4) to five (5) tables, hours of operation of 2:00 P.M. to 1:00 A.M. Mondays through Wednesdays and 2:00 P.M. to 2:00 A.M. Thursdays through Saturdays, a twenty (20) foot bar with twelve (12) stools, a kitchen open all hours serving a limited menu with "Indian flavors," four (4) televisions and recorded background; and

WHEREAS, although this applicant has averred that this location is within five hundred (500) feet of twelve (12) full on-premises liquor licenses, this location is within five hundred (500) feet of thirty-two (32) full on-premises liquor licenses and two (2) pending full on-premises liquor licenses per LAMP; and

WHEREAS, the applicant has stated an inadequate public benefit for approving a full on-premises liquor license for its business in that it stated that it has stated that it is seeking a change in class of its wine beer license to a full on-premises liquor license to be able to compete with the numerous business with full on-premises liquor licenses surrounding 77 Second Avenue; and

WHEREAS, this applicant is seeking to occupy a storefront directly across the street from a house of worship, to wit Iglesia Alianza Cristiana y Misionera, located at 76 Second Avenue, between East 4th Street and East 5th Street, and is contending that the SLA must have made a determination that this location is not used primarily as a house of worship given the nearby six (6) businesses with full on-premises liquor licenses; and

WHEREAS, a review of the questionnaires by the four (4) businesses whose applications for full on-premises liquor licenses were heard by Community Board 3 indicated that three (3) of those applicants represented that they were not within two hundred (200) feet of a house of worship and its proximity was not part of the community board discussions of their applications and one applicant represented to the community board that the SLA had made a determination that its premises had been continuously licensed prior to the existence of the church; and

WHEREAS, the applicant furnished no documentation from area residents in support of its application, in that it provided no petitions or letters in support of its application, and no residents appeared on its behalf; and

WHEREAS, three representatives of the East 5th Street Block Association spoke in opposition to this application, stating that 1) the applicant is proposing to be located directly across the street from an active church and within five hundred (500) feet of more than thirty (30) full on-premises liquor licenses and there is no public benefit in the approval of a full on-premises liquor license for this applicant given that the existing business appears to be mainly a beer bar of which there are several within one block, 2) it is seeking to operate as a tavern of which there are many within two blocks and replace what has traditionally been a location with a full-service Indian restaurant, 3) the introduction of a self-serve venue in an area with so many liquor licenses is inappropriate, 4) people will not patronize this business for its limited menu of food with Indian flavors given the numerous full-service Indian restaurants within two blocks, and 5) the applicant has only been operating a business with a wine beer for a short period of time at its present location; and

WHEREAS, given the intention of the applicant to operate a sport bar with a limited menu and self-serve alcohol in an area with so many licensed businesses, Community Board 3 is unwilling to approve the removal of its wine beer license and simultaneous change in class of its license to a full on-premises liquor license; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a removal of the wine beer license of Clinton Craft LLC for its tavern and retail beer store doing business as Paloma Rocket at the premises currently located at 7 Clinton Street, between East Houston Street and Stanton Street, to 77 Second Avenue, north storefront, a/k/a 79 Second Avenue, between East 4th Street and East 5th Street; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 moves to deny the simultaneous application for a change in class of its wine beer license to a full on-premises liquor license for Clinton Craft LLC, doing business as Paloma Rocket, once at the premises

located at 77 Second Avenue, north storefront, a/k/a 79 Second Avenue, between East 4th Street and East 5th Street.

6. Scarr Pizza (Scarr Pizza LLC), 22A Orchard Street btwn Canal & Hester Sts (upgrade to op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Scarr Pizza LLC, doing business as Scarr Pizza, is seeking a change in class of its wine beer license to a full on-premises liquor license for its pizzeria located at 22A Orchard Street, between Canal Street and Hester Street; and

WHEREAS, this applicant is also seeking to extend its closing times Fridays and Saturdays, have happy hours and add private parties; and

WHEREAS, this is an application for a pizzeria with four (4) tables and sixteen (16) seats, a fifteen (15) foot bar with eight (8) stools, a pizza kitchen open all hours, hours of operation of 11:30 A.M. to 11:00 P.M. Sundays, 11:30 A.M. to 12:00 A.M. Mondays through Thursdays and 11:30 A.M. to 1:00 A.M. Fridays and Saturdays, recorded background music, private parties ten (10) times per year, no soundproofing and happy hours to 8:00 P.M. each night; and

WHEREAS, an application for a wine beer license for this applicant was administratively approved by Community Board 3 in September of 2015, provided that the applicant agreed to make as conditions of its license stipulations that it would 1) operate a full-service pizzeria restaurant, with a kitchen open and serving food to within one (1) hour of closing, 2) have hours of operation of 11:00 A.M. to 12:00 A.M. all days, 3) not commercially operate any outdoor areas, 4) close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, 5) play recorded background music and not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee would be charged, 6) not apply for an alteration without first appearing before Community Board 3, 7) not host pub crawls or party buses, 8) not have happy hours, and 9) not have wait lines outside; and

WHEREAS, the wine beer license for this applicant was issued by the SLA on March 10, 2016; and

WHEREAS, this location is previously unlicensed and is located within five hundred (500) feet of twelve (12) full on-premises liquor licenses and two (2) pending full on-premises liquor licenses; and

WHEREAS, the applicant has stated that the public benefit for approving a full on-premises liquor license is that it is responding to requests from patrons for cocktails; and

WHEREAS, notwithstanding that the applicant has been operating its business for one and a half (1½) years and furnished seventy (70) petition signatures from area residents in support of its application and that the Orchard Street Block Association submitted a letter in support of this application, given the small size of this establishment and its limited menu of appetizers, pizza and submarine sandwiches, any public benefit in the granting of a full on-premises liquor license is outweighed by the lack of community benefit in adding another full on-premises liquor license to this area; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a change in class of its wine beer license to a full on-premises liquor license for Scarr Pizza LLC, doing business as Scarr Pizza, for the premises located at 22A Orchard Street, between Canal Street and Hester Street.

7. The Immigrant Tap Room (Immigrant Tap Room Inc), 341 E 9th St btwn 1st & 2nd Aves (upgrade to op)

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

To deny the application for a change in class of its wine beer license to a full on-premises liquor license for Immigrant Tap Room Inc., doing business as The Immigrant Tap Room, for the premises located at 341 East 9th Street, west storefront, between First Avenue and Second Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a tavern, serving food during all hours of operation,

- 2) its hours of operation will be 6:00 P.M. to 1:00 A.M. Sundays through Thursdays and 6:00 P.M. to 2:00 A.M. Fridays and Saturdays,
- 3) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 4) it will not commercially operate any outdoor areas,
- 5) it will install additional soundproofing, if necessary,
- 6) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, scheduled performances or any event at which a cover fee will be charged,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it may have "happy hours" to 6:30 P.M.,
- 9) it will not host pub crawls or party buses,
- 10) it will not have unlimited drink specials with food,
- 11) it will not have wait lines and will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board 3 is approving this application for a change in class to a full on-premises liquor license although this is a location in an area with numerous full on-premises liquor licenses within five hundred (500) feet of this location and on a residentially zoned street, because 1) the applicant has been operating this business without complaints for more than four (4) years and has operated the east side storefront as a wine bar and tavern without complaints for seven (7) years, and 2) it provided substantial support for its application, in that it furnished eighty-six (86) petition signatures and one (1) letter from area residents and three (3) residents appeared in support of its application.

8. Pinks Cantina (Pinks Cantina LLC), 203 Chrystie St (wb)
withdrawn

9. Tang Hotpot (Tang Hospitality Group LLC), 135 Bowery btwn Grand & Broome 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 Tang Hospitality Group LLC, with the proposed business name of Tang Hotpot, for the premises located at 135 Bowery, between Grand Street and Broome 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 to within half an hour of closing,
- 2) its hours of operation will be 12:00 P.M. to 12:00 A.M. Sundays through Thursdays and 12:00 P.M. to 2:30 A.M. Fridays and Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will 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.

10. Cheese Grille (188 Allen St Inc), 188 Allen St btwn E Houston & Stanton Sts (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, 188 Allen Street Inc., doing business as Cheese Grille, is seeking a full on-premises liquor license for its restaurant located at 188 Allen Street, between East Houston Street and Stanton Street; and

WHEREAS, this is an application for a grilled cheese restaurant in a shallow storefront with four (4) tables and counter seating, thirty-six (36) seats, a six (6) foot bar with no stools, hours of operation of 11:00 A.M. to 10:00 P.M. Sundays, 11:00 A.M. to 12:00 A.M. Mondays through Thursdays and 11:00 A.M. to 3:00 A.M. Fridays and Saturdays, a kitchen open all hours, an open façade, one (1) television and recorded background music; and

WHEREAS, there are thirty-nine (39) full on-premises liquor licenses, six of which are located on the same block as this location, and four (4) pending full on-premises liquor licenses within five hundred (500) feet of this location; and

WHEREAS, the applicant has stated an insufficient public benefit for approving a full on-premises liquor license for its business, in that it stated that it has managed the business for three and a half (3½) years but has no experience owning a business with a full on-premises liquor license; and

WHEREAS, Maradona Inc., the previous applicant for this location was approved a wine beer license without stipulations by Community Board 3 in January of 2004; and

WHEREAS, the wine beer license for the previous applicant was issued by the SLA on April 1, 2004; and

WHEREAS, the previous applicant sustained charges before the SLA on June 5, 2006, for sales to minors on November 5, 2005 and January 1, 2006, and entered into a conditional no contest plea on June 29, 2007, for locked exists on January 15, 2006; and

WHEREAS, the previous applicant for this location was then denied a change in class of its wine beer license to a full on-premises liquor license by Community Board 3 in January of 2009, because of a nuisance abatement for numerous underage sales, police violations, a lack of public benefit in approving a full on-premises liquor license and numerous existing full on-premises liquor licenses within five hundred (500) feet of the location, five (5) of which were on the same block; and

WHEREAS, the previous applicant subsequently shut its business and reopened on or about July of 2014 as the present business, Cheese Grille; and

WHEREAS, notwithstanding that the applicant has been managing this business for three and a half (3½) years and furnished one hundred two (102) petition signatures from area residents in support of its application, the LES Dwellers, a local residents association, submitted a statement in opposition to this application, citing the bad operating history of the present licensee, the lack of community benefit in approving a full on-premises liquor license for a small grilled cheese store, the numerous full on-premises liquor licenses within five hundred (500) feet of this location, the significant vehicular and pedestrian traffic congestion and late night noise and the poor prospect the applicant is to hold a full on-premises liquor license given that it has hosted live amplified music in its business on at least two (2) occasions and has mounted speakers on the outside of its façade to play music outdoors although this area is plagued by noise and crowds; and

WHEREAS, the applicant conceded that it had hosted live amplified musical performances although it stated that it did this early in its management history and it stated that it did not know that it was not legal to mount speakers on the outside façade of the business; and

WHEREAS, given the small size of this establishment and its limited menu of grilled cheese sandwiches, tater tots and macaroni and cheese, there is no community benefit in granting it a full on-premises liquor license and the approval of this application would result in a lack of community benefit in the addition of another full on-premises liquor license to an area with so many full on-premises liquor licenses within such a small area, as well as significant vehicular and pedestrian traffic congestion and late night noise; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a full on-premises liquor license for 188 Allen Street Inc., doing business as Cheese Grille, for the premises located at 188 Allen Street, between East Houston Street and Stanton Street.

11. VYSK Inc, 173 Rivington St (op)
withdrawn

12. Resolution regarding consideration of both business and resident needs by nightlife taskforce tabled to next meeting (see old business)

Applications within Saturated Areas

13. Iberia Discover Georgia Inc, 154 Orchard St btwn Stanton & Rivington Sts (upgrade to op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Iberia Discover Georgia Inc., doing business as Red Compass, is again seeking a change in class of its wine beer license to a full on-premises liquor license for its restaurant located at 154 Orchard Street, between Rivington Street and Stanton Street; and

WHEREAS, this is an application for a Georgian restaurant with a certificate of occupancy of forty-nine (49) people, twenty-one (21) tables and forty-two (42) seats with nine (9) tables and eighteen (18) seats and a fifteen (15) foot bar with seven (7) stools in a partially enclosed backyard, hours of operation of 11:00 A.M. to 11:00 P.M. all days, a kitchen open all hours, two (2) monitors, open windows and recorded background music; and

WHEREAS, this applicant was initially heard by Community Board 3 in August of 2015, for a full on-premises liquor license for this location and an unlicensed adjacent storefront and withdrew its application after hearing community and community board concerns about its lack of community outreach and experience in an area with so many licensed businesses; and

WHEREAS, this applicant then applied to Community Board 3 for a wine beer license in September of 2015, and was administratively approved with stipulations to 1) operate a full-service Georgian restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 11:00 A.M. to 11:00 P.M. all days, 3) not commercially operate any outdoor areas, 4) close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances, 5) 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 would be charged, 6) not apply for any alteration in its method of operation without first appearing before Community Board 3, 7) not seek a change in class to a full on-premises liquor license without first obtaining the approval of Community Board 3, 8) not host pub crawls or party buses, 9) not have happy hours, 10) not have wait lines outside, 11) conspicuously post this 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; and

WHEREAS, the wine beer license for this applicant was then issued by the SLA on December 18, 2015, and the applicant began operating its business in January of 2016; and

WHEREAS, the applicant was then denied a change in class of its wine beer license to a full on-premises liquor license and an alteration to add live music by Community Board 3 in August of 2016, because 1) it had been operating its business for only seven (7) months, 2) it conceded that it was operating its business inconsistent from its stipulations by already hosting live music performances, 3) it failed to articulate a community benefit, 4) although the applicant counted only four (4) full on-premises liquor licenses within five hundred (500) feet of its business, there were at least thirty (30) full on-premises liquor licenses within five hundred (500) feet of its business, and 5) there was community opposition to the approval of its application; and

WHEREAS, there are forty-three (43) full on-premises liquor licenses and two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location per LAMP; and

WHEREAS, the applicant has failed to articulate a sufficient community or public benefit for the approval of a full on-premises liquor license, in that the applicant stated that it has been a good operator and good neighbor and has operated its business without complaints; and

WHEREAS, it appears that the applicant has continued to operate its business inconsistent from its stipulations and method of operation by hosting live music performances because,

although the applicant stated that it has not had live music since August of 2016, it maintains a piano in its premises and YELP reviews of June 9, 2017, August 17, 2017 and September 8, 2017, reflect that there is a regular live piano player; and

WHEREAS, although the applicant signed stipulations which became conditions of its license which included averring that it would not commercially operate any outdoor areas, the majority of its business is located within a partially enclosed structure in the backyard; and

WHEREAS, notwithstanding that the applicant furnished one hundred fourteen (114) petition signatures from area residents in support of its application, there is community opposition to the approval of this application from the LES Dwellers, a local residents association, given that the applicant has only been operating its business since January of 2016, given the number of full on-premises liquor licenses within five hundred (500) feet of this location and given the significant vehicular and pedestrian traffic congestion and late night noise as a result of the existence of so many licensed businesses within so small an area; and

WHEREAS, given the short operating history of this applicant and the continued concern that it is operating contrary to its stipulations, there is no community benefit in the granting of a full on-premises liquor license in an area with so many full on-premises liquor licenses, as well as the significant vehicular and pedestrian traffic congestion and late night noise; now

THEREFORE, BE IT RESOLVED that Community Board 3 again moves to deny the application for a change in class of a wine beer license to a full on-premises liquor license for Iberia Discover Georgia Inc., doing business as Red Compass, for the premises located at 154 Orchard Street, between Rivington Street and Stanton Street.

14. Entity to be formed by Jeremiah Stone, 175 Orchard St (op)
withdrawn

Sidewalk Cafe Application

15. Serafina Ludlow Corp, 98 Rivington St @ Ludlow St (alt/increase from 8 tables to 20, 16 chairs to 40)

VOTE: TITLE: Community Board 3 Recommendation To Approve With Change Order—Change Order Attached

To approve the application for the modification of an unenclosed sidewalk café permit for Serafina Ludlow Corp., doing business as Serafina Restaurant, for the premises located at 98 Rivington Street, at the corner of Ludlow Street and Rivington Street, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of sixteen (16) tables and thirty-two (32) seats, with four (4) tables and eight (8) seats located against the façade of the building on the Rivington Street side of the business and twelve (12) tables and twenty-four (24) seats located against the façade of the building on the Ludlow Street side of the business,
- 2) its wait service aisles will be located between the tables and accessed through the business façade,
- 3) its hours of operation will be 9:00 A.M. to 10:00 P.M. Sundays through Thursdays and 9:00 A.M. to 11:00 P.M. Fridays and Saturdays, and
- 4) it will have awning extended over all of the outdoor seating during all hours of operation of the sidewalk cafe.

Alterations

16. La Caverna Ristorante (122-124 Rivington Corp), 122-124 Rivington St (op/alt/expand from basement to ground fl and mezzanine/add dancing)
withdrawn

17. La Gamelle (241 Bowery Corp), 241 Bowery (op/alt/change method of operation add live music)
withdrawn

New Liquor License Applications

18. Greyhound (J&J V2 LLC), 67 2nd Ave (aka 84 E 4th St) (op)
withdrawn

19. SVL NYC LLC, Essex St (Essex Crossing Site 1, Essex St midblock btwn Broome & Delancey) (op)
withdrawn

20. Les Crepes & Taqueria (Oli and Aurel LLC), 25 Essex St @ Hester St (wb)

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

To deny the application for a wine beer license for Oli and Aurel LLC, doing business as Les Crepes & Taqueria, for the premises located at 25 Essex Street, between at the corner of Essex

Street and Hester Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Mexican restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 1:00 A.M. Sundays, 11:00 A.M. to 3:00 A.M. Mondays through Thursdays and 11:00 A.M. to 4:30 A.M. Fridays and Saturdays, but will serve alcohol only from 11:00 A.M. to 12:00 A.M. each day,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it will not have "happy hours,"
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will 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.

21. Chinese Tuxedo (8 Tuxedos Inc), 5 Doyers St btwn Pell St & Bowery (upgrade to op)

[motion to come]

22. Hwa Yuan Szechuan (42 44 East Broadway Restaurant Inc), 42 44 E Broadway btwn Catherine & Market Sts (upgrade to op)

withdrawn

Old Business

- Resolution regarding consideration of both business and resident needs by nightlife taskforce

VOTE: TITLE: Request that representatives of Community Boards are included as members of the Nightlife Advisory Board and that the Nightlife Advisory Board balances the issues and interests of the community with the interests of nightlife establishments

WHEREAS, the City Council and Mayor have established an Office of Nightlife and a Nightlife Advisory Board; and

WHEREAS, the Nightlife Advisory Board has been created to serve as a liaison between nightlife establishments and the City with respect to city policies and procedures which affect the nightlife industry and in that capacity will

- (a) conduct outreach to nightlife establishments and provide information and assistance to such establishments in relation to existing city policies and procedures for responding to complaints, violations and other enforcement actions; and
- (b) assist in the resolution of conditions at nightlife establishments that lead to enforcement actions; and

WHEREAS, Community Boards already serve as an intermediary or liaison between city agencies and the nightlife industry, though in a more comprehensive way that includes the community, and thus should be working together with the Nightlife Advisory Board to share information and resources and resolve issues with nightlife establishments; and

WHEREAS, the role of the Nightlife Advisory Board, as written, does not allow for consideration of community interests in addressing city policies and procedures nor does it allow for consideration of community impact in resolving complaints and violations against nightlife establishments; and

WHEREAS, the City Charter mandates the role of Community Boards to include municipal service delivery coordination and the resolution of complaints, which includes responding to the concerns of community groups and residents; and

WHEREAS, because of proximity and responsiveness of Community Boards, communities frequently work first with Community Boards in addressing complaints concerning nightlife establishments and, in turn, Community Boards routinely work with the police, State Liquor Authority, residents and businesses to successfully resolve issues that require action from an enforcement agency; and

WHEREAS, the State Liquor Authority is required by law to consult with community boards in the consideration of liquor license applications subject to the 500-Foot Rule; and

WHEREAS, to properly consult with the State Liquor Authority, Community Boards must be well-informed about the histories of nightlife establishments in their Districts, including complaints and concerns raised by community groups and residents with respect to those establishments; and

WHEREAS, Community Boards were not consulted or considered regarding the creation of the Nightlife Advisory Board, which so directly impacts Community Boards and the residential and business communities they speak for; and

WHEREAS, the current legislation creating the Nightlife Advisory Board fails to include representation from Community Boards, despite the fact that Community Boards already perform many of the functions of the Nightlife Advisory Board and despite the fact that the City Council heard testimony that Community Boards should be included on the Nightlife Advisory Board for the reasons stated herein; and

WHEREAS, Community Boards are the structure within the City of New York for communities to participate in the decision making process that affects their communities and, therefore, Community Boards are the natural vehicle for communities to be represented on the Nightlife Advisory Board; so

THEREFORE BE IT RESOLVED, that Community Board 3 urges the City Council and Mayor to include representatives of Community Boards as members of the Nightlife Advisory Board; and

THEREFORE BE IT FURTHER RESOLVED, that Community Board 3 urges the City Council and Mayor to mandate the Nightlife Advisory Board to balance the issues and interests of the community, including its residents and businesses, with the interests of nightlife establishments to ensure all are represented.

Items not heard at Committee

- 23. Cherrva (Bistro Uruguay Inc), 131 Essex St (wb/corp change)
no vote necessary
- 24. Zen 6 (Zen6NY LLC), 328 E 6th St (wb)
no vote necessary
- 25. C&B (Coffee and Breakfast LLC), 178 E 7th St (wb)
no vote necessary
- 26. 88 Lan Zhou Handmade Noodle & Dumpling (88 Lan Zhou Handmade Noodle & Dumpling Inc), 40 Bowery (wb)
no vote necessary
- 27. My Noodle Station Inc, 19 Eldridge St (b)
no vote necessary
- 28. Vote to adjourn
approved by committee

40 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding SLA items 2, 21)
11 YES 24 NO 5 ABS 0 PNV THIS MOTION DID NOT PASS (deny SLA item 2)
27 YES 12 NO 0 ABS 0 PNV MOTION PASSED (support SLA item 2)
5 YES 33 NO 1 ABS 0 PNV THIS MOTION DID NOT PASS (deny SLA item 21)
26 YES 7 NO 7 ABS 0 PNV MOTION PASSED (approve SLA item 21)

Economic Development Committee

- 1. Approval of previous month's minutes
approved by committee
- 2. LESEN Update Presentation
no vote necessary

3. FY'2019 Capital & Expense Priorities
VOTE: To approve FY'2019 Capital and Expense Priorities.
4. Vote to adjourn
 approved by committee

40 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. FY'2019 Capital & Expense Priorities
VOTE: To approve FY'2019 Capital and Expense Priorities.
3. Request for support to make Delancey Street subway station ADA accessible
VOTE: TITLE: Request for ADA Accessibility at Delancey/Essex Street Subway Station

WHEREAS, the district encompassing Manhattan Community Board 3 continues to experience population growth; and

WHEREAS, the district has been historically underserved by public transportation, which is exacerbated by the fact that most of the subway stations in the vicinity are not ADA accessible and thus not an option for many residents; and

WHEREAS, CB 3 passed a resolution in 2004 requesting that the Delancey/Essex Street subway station be made accessible in preparation for the development of the Seward Park Urban Renewal Area (a/k/a Essex Crossing); and

WHEREAS, CB 3 reaffirms this resolution and expresses that the need to provide ADA accessibility at the Delancey/Essex Street subway station has grown even more urgent in light of the ongoing completion of development within the Seward Park Urban Renewal Area, which ultimately will include over 1,000 residential units as well as destination businesses and entertainment; and

WHEREAS, the Delancey/Essex Street subway station is the principal subway station for the high numbers of seniors who live in the area, including the Naturally Occurring Retirement Community (NORC) on nearby Grand Street; and

WHEREAS, the ongoing revitalization of the nearby waterfront area also makes the full accessibility of this station necessary so all members of our community are able to fully participate in the enjoyment of our public spaces; and

WHEREAS, although MTA is taking measures to honor a 1994 agreement to retrofit 100 subway stations to make them ADA accessible by 2020, only "key stations" are being considered and many of the 472 stations, including Delancey/Essex, have been excluded; and

WHEREAS, the "key stations" designation focuses only on metrics such as ridership volume, use of station to transfer to other subway lines or buses, and location of the station related to schools, hospitals, recreational facilities, airports, etc. and does not take into account the rapid development and changes of neighborhoods in New York City; so

THEREFORE BE IT RESOLVED, Manhattan Community Board 3 requests that the MTA renovate the Delancey/Essex Street subway station so it becomes fully accessible to all the passengers, including those with limited mobility, who wish to use the station; and

THEREFORE BE IT FURTHER RESOLVED, Manhattan Community Board 3 calls on our elected officials to continue to advocate for the aforementioned station improvement.

4. Brief overview of Neighborhood Rat Reduction Plan
 no vote necessary
5. Continued discussion of link between alcohol outlet density and public health/safety
 no vote necessary
6. Vote to adjourn
 approved by committee

40 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Joint Parks Committee & Public Housing & Section 8 Subcommittee

- DOH presentation: Neighborhood rat reduction initiative
no vote necessary

40 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Parks, Recreation, Cultural Affairs, & Waterfront Committee

1. Approval of previous month's minutes
approved by committee
2. Parks Dept presentation on programming: Ideas, timeline, and application process of movie nights, recreation programming, It's My Park events, and other general public programming in CB3 parks
no vote necessary
3. NYC Ferry Landing Update
no vote necessary
4. Report from Arts & Cultural Affairs Subcommittee
no vote necessary
5. FY'2019 Capital & Expense Priorities
VOTE: To approve FY'2019 Capital and Expense Priorities.
6. Vote to adjourn
approved by committee

40 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Landmarks Committee

1. Certificate of Appropriateness, Webster Hall, 125 East 11th St: addition of three new doors at street level within the historic façade to improve ingress and egress, provide accessibility for the disabled, and allow more efficient load-in and out of performers
VOTE: TITLE: To approve the Certificate of Appropriateness application for Webster Hall, 125 East 11th Street

WHEREAS, Webster Hall and Annex, built 1886-87 and 1892, Charles Rentz, Jr. architect, was designated a Landmark in 2008; and

WHEREAS, the original structure is in the Queen Anne style and the annex is Renaissance Revival, both clad in red Philadelphia pressed brick with brownstone trim and effusively ornamented with red terra cotta; and

WHEREAS, throughout its history it has been one of Greenwich Village/East Village's leading public rental halls and social centers; and

WHEREAS, the application is to install three new doors, in one opening, at street level in the façade of Webster Hall in order to provide ADA access via a new elevator to all public levels, improve ingress/egress, and offer more efficient load-in and load-out of equipment for the performance acts; so

THEREFORE BE IT RESOLVED, CB 3 approves the Certificate of Appropriateness, with the following recommendations:

- The applicant should consider façade restoration, including the windows above the new doorway, as part of the project
 - The applicant and LPC staff should seek a solution that does not involve breaking a pier
2. Certificate of Appropriateness, 84 Second Ave: Exterior work includes façade restoration; storefront alteration; installation of new dormer at roof; elevator, stair and mechanical additions; and rear-yard additions

VOTE: TITLE: To approve the requested modifications to the front façade of 84 Second Avenue, but to deny the modifications to the rear façade

WHEREAS, 84 Second Avenue is a contributing building in the East Village/Lower East Side Historic District; and

WHEREAS, it is a Greek Revival row house built in 1841 (architect not determined), consisting of planar brick façade, molded galvanized-iron lintels, cornice with short attic-story windows, historic wood window frames, sashes, and casements; and

WHEREAS, much of the storefront extension remains intact from the time of the 1909 alterations; and

WHEREAS, the application includes façade restoration, storefront alteration, increase in the roof height of 18 inches, elevator, stair and mechanical additions, and rear-yard additions; and

WHEREAS, the plan is to replace the wooden windows on the upper levels in kind; and

WHEREAS, the brick façade is to be repaired, repointed, and painted; and

WHEREAS, for ADA compliance, it is necessary to shift the doors forward by two feet to gain width, preserving the shape of the chamfered storefront, but compromising the tile floors called out in the designation report; and

WHEREAS, the application is to raise the roof by about 18" to provide more headroom on the top floor; and

WHEREAS, the application is to extend the ground floor all the way back to the rear of the yard, to extend the upper floors in the rear by 12 feet, and to add balconies, violating the historic footprint of the building; and

WHEREAS, CB 3 believes that the footprint and rear façade of the building are reflective of the period of construction and that the entire building is landmarked as part of the district and as such is part of the public benefit of landmarking; so

THEREFORE BE IT RESOLVED, CB 3 approves the changes to the front façade of the building, but urges LPC and the applicant to seek the least intrusive solution to changes to the two entrance doors; and

THEREFORE BE IT FURTHER RESOLVED, CB 3 does not approve the rear yard additions, finding them an egregious intrusion into the rear yard obliterating the rear façade of the Landmark.

3. FY'2019 Capital & Expense Priorities
no vote necessary

40 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. Low Line update
no vote necessary
3. Rezoning the Waterfront/Subdistrict D

VOTE: TITLE: To support request for CB 3 to be a co-applicant for a rezoning proposal of the Lower East Side waterfront area

WHEREAS, a community group comprised of waterfront Tuff-LES leaders, GOLES and CAAAV have requested CB 3 and the Borough President to be co-applicants with them for a proposed rezoning of the waterfront; and

WHEREAS, CB 3 resolved in 2015 to support Option 1 of the Chinatown Working Group (CWG) plan for Subdistrict D and reaffirmed that support in letters to DCP; and

WHEREAS, Council Member Chin and Borough President Brewer are in support of the proposed rezoning plan; and

WHEREAS, the buildings currently proposed for development on the waterfront are extremely out of scale and would greatly accelerate the housing affordability crisis our community is facing; and

WHEREAS, the 197-c Land Use Applicant can receive fee waivers if a Community Board,, other agency, or elected official is a co-applicant; and

WHEREAS, as a co-applicant, CB 3 would fully engage in dialogue with partner groups and city agencies; and

WHEREAS, the extensive outreach that the planners hired by CWG engaged in to get us to this point demonstrates broad community support and thorough study; so

THEREFORE BE IT RESOLVED, CB 3 agrees to become a co-applicant in the waterfront rezoning application.

4. 3rd & 4th Avenue rezoning issues

no vote necessary

5. FY'2019 Capital & Expense Priorities

VOTE: To approve FY'2019 Capital and Expense Priorities.

6. Report from Public Housing/Section 8 Subcommittee

no vote necessary

7. Vote to adjourn

approved by committee

40 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Land Use item 3)

39 YES 0 NO 0 ABS 1 PNV MOTION PASSED (Land Use item 3)

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

1. Approval of previous month's minutes

approved by committee

2. Modification of DYCD RFP to open new crisis shelter beds for homeless youth

VOTE: TITLE: Support for modification of DYCD RFP to open new crisis shelter beds for homeless youth

WHEREAS, there are nearly 4,000 homeless young men and women in New York City and only 505 crisis shelter or transitional independent living (TIL) beds for this population; and

WHEREAS, the overwhelming majority of these 505 beds are filled every night, meaning that homeless youth can wait days or even weeks for an available bed in a homeless youth crisis shelter or TIL program; and

WHEREAS, the vast majority of homeless youth reject the adult homeless shelter system because they feel unsafe, unwelcome or both, and feel safer sleeping on the subway or on the streets; and

WHEREAS, some homeless youth believe they have no choice but to engage in survival sex in order to find a place to sleep or food to eat; and

WHEREAS, the homeless youth crisis affects virtually every community in New York City, including Community Board 3; and

WHEREAS, the City of New York administers the homeless youth shelter system through the Department of Youth & Community Development (DYCD); and

WHEREAS, the City of New York recognized that addressing the city's homeless crisis includes increasing the capacity of crisis shelters and TIL programs to better respond to the need, and issued an RFP through DYCD in 2016 to add 700 new beds for homeless youth; and

WHEREAS, the RFP does not include capital start-up funding to allow providers to pay for needed renovations and other related expenses to convert existing buildings into shelter or TIL programs that meet the exacting criteria of State licensers; and

WHEREAS, only 50 new TIL program beds and no crisis shelter beds have been added to the existing census since the RFP was issued, which is profoundly disappointing given the overwhelming need among this population; and

WHEREAS, the winter is fast approaching and young people who sleep on our streets will face increased risk of frostbite and other significant health risks; so

THEREFORE BE IT RESOLVED, Community Board 3 urges the City's DYCD to amend the existing RFP for crisis shelter beds and TIL programs for homeless youth to include capital start-up costs separate and apart from the offered bed rate and contract value to allow more providers to create desperately needed new capacity for this vulnerable population.

3. FY'2019 Capital & Expense Priorities
VOTE: To approve FY'2019 Capital and Expense Priorities.
4. Vote to adjourn
approved by committee

40 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Arts & Cultural Affairs Subcommittee

1. Approval of previous month's minutes
approved by committee
2. Finalize updates to Arts & Culture resource data file
no vote necessary
3. Review People's Plan for Create NYC Cultural plan
no vote necessary
4. Vote to adjourn
approved by committee

40 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Public Housing & Section 8 Housing Subcommittee

1. Approval of previous month's minutes
approved by committee
2. FY'2019 Capital & Expense Priorities
VOTE: To approve FY'2019 Capital and Expense Priorities.
3. Vote to adjourn
approved by committee

40 YES 0 NO 0 ABS 0 PNV MOTION PASSED