



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Gigi Li, Board Chair

Susan Stetzer, District Manager

April 2016 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, April 26, 2016 at 6:30pm at PS 20, 166 Essex Street.

#### Public Session:

Cathy O'Sullivan: Speaking on behalf of Henry Street Settlement, she spoke about a caregivers program for loved ones with dementia/Alzheimers.

Lisa Billups: Speaking on behalf of the NYC Department of Consumer Affairs, she gave information about the New York City paid sick leave law and Commuter Benefits law.

Robyn Shapiro: Speaking on behalf of the Lowline, she informed the community about an event being held at the Lowline Lab on Saturday at 12:00 as well as the formation of a community engagement committee.

Vaylateena Jones: Speaking on behalf of the Lower East Side Power Partnership ("LESPP"), she spoke about the sensitivity of the hiring needs of local hospitals. She spoke about supportive services for social work in homeless shelters. She spoke about the LESPP's work on childhood literacy and stressed the need for further work on this issue in local schools, in many of which the majority of the students are minorities.

Luigi Fuliella: Speaking on behalf of the New York Road Runners, he spoke about the community activities held around the community and the city.

Mae Lee: Speaking on behalf of the Chinese Progressive Association, she announced the 33rd Annual Asian Pacific American Heritage Celebration on May 15.

Neil Hoffman: Speaking on behalf of the East 13th Block Association, he advocated for the loading zones proposed by Extell for their 14th Street development to keep commercial traffic off of East 13th Street.

Elisabeth Ellor: Speaking on behalf of the 13th Street Block Association and longtime resident of East 13th Street, she reiterated the support of the proposed loading zones.

Frank Macken: Speaking as a tenant of 37 Ave B HDFC, he stated that the Lower East Side People's Credit Union ("LESPCU") should move out of the commercial space in the building.

Wayne Edwards: Speaking as a tenant of 37 Ave B HDFC, he stated the LESPCU has been swindling the HDFC tenants.

Christine Heredia: Speaking as a tenant of 37 Ave B HDFC, she stated that the LESPCU manipulated the HDFC board to signing a 99-year lease for a low rent, and the building cannot afford a rent roll this low.

Maria Heredia: Speaking as a tenant of 37 Ave B HDFC, she spoke about the low rent LESPCU is paying while the building is falling apart.

Evelyn Maldonado: Speaking as a tenant of 37 Ave B HDFC, she spoke about how LESPCU has not offered any assistance while it makes money.

Rolando Velez: Speaking as a tenant of 37 Ave B HDFC, he also spoke to raise awareness.

There was discussion on the loans the maintenance company, People's Mutual Housing Association, must give to the building in order for the building to pay its taxes.

#### Public Officials:

Mayor Bill de Blasio, Tommy Lin: Not present

Public Advocate Letitia James, Adam Chen: Not present

Comptroller Scott Stringer, Anas Uddin: No present

Borough President Gale Brewer, Jessica Mates: The Borough President is very concerned about the L train closure. The Borough President noted that the State budget affords more money for bridge repair and snow

removal. The Borough President emphasized the importance of clearing warrants at the "Clean Slate" event on Saturday, April 30. Denim Day is April 27, 2016, and people will be wearing denim in solidarity for sexual assault awareness.

Congressmember Carolyn Maloney, Victor Montesinos: Not present

Congressmember Nydia Velazquez, Iris Quinones: Note present

Assemblymember Deborah J. Glick, Charlie Anderson: The Assemblymember is concerned about the closure of the L train and the effect it will have on businesses and commuters. The Assemblymember will be holding a workshop for the Senior Citizen Rent Increase Exemption and Disability Rent Increase Exemption.

Assemblymember Brian Kavanaugh: The State passed a budget, which included a timeline for raising the minimum wage to \$15. The budget includes \$2 billion for public housing. The Assembly is working on closing the LLC loophole. The State is working on revamping the voter registration and voting system. The Assemblymember is co-chairing a working group to increase transparency in the Assembly, and the working group made several recommendations regarding the transparency of what the documents lobbyists give to assemblymembers as well as a effort to enable assemblymembers to have legislation very important to them come to a vote. The Assemblymember also announced the upcoming mobile summons warrant court being set up at Grand Street Settlement on Saturday, April 30. Regarding the closure of the L train, there will be a town hall on May 12 at 5:30PM at the Salvation Army Theater. The Assemblymember is holding a book drive for children's books.

State Senator Daniel L. Squadron: The State passed a pathway to the \$15 minimum wage and paid family leave legislation. The Senate did not pass legislation to close the loophole that allows limited liability companies to make unlimited contributions to campaigns. The Community Board secured additional funding for resiliency. The State Senator asked for transparency regarding the investigations of Rivington House. The State Senator also updated the community on the interstate bus issue.

State Senator Brad M. Hoylman, Sejal Singh: The State Senator is pushing for legislation to extend the statute of limitations for victims of child abuse to bring claims against perpetrators and institutions that facilitated the abuse after the age of twenty three. There was discussion of a committee formed by the State Liquor Authority regarding several policies that are important to the community, such as the 200-foot rule and 500-foot rule.

Councilmember Margaret Chin, Paul Leonard: The Councilmember is pushing for legislation to charge a small amount of money for disposable plastic bags. The Councilmember is cosponsoring an event at the Lowline on Saturday. The Councilmember is hosting an event on healthcare for undocumented immigrants.

Councilmember Rosie Mendez, Matt Viggiano: Last month, the Councilmember held a press conference remembering the victims of the Second Ave. explosion and is pushing for legislation that will hold landlords more accountable for gas service issues and potential gas-related hazards. The Councilmember spoke at the CB3 Land Use Committee regarding her position on the affordable housing legislation. The Councilmember will be hosting a free bike helmet fitting on Saturday, April 30 at Tompkins Square Park.

Members Present at First Vote:

|                    |     |                      |     |                      |     |
|--------------------|-----|----------------------|-----|----------------------|-----|
| David Adams        | [A] | Luke Henry           | [P] | Nancy Ortiz          | [A] |
| Yaron Altman       | [P] | Herman F. Hewitt     | [P] | Carolyn Ratcliffe    | [P] |
| Dominic Berg       | [P] | Trever Holland       | [P] | Joyce Ravitz         | [P] |
| Karen Blatt        | [A] | Sameh Jacob          | [P] | Damaris Reyes        | [A] |
| Lisa Burriss       | [P] | Anne K. Johnson      | [P] | James Rogers         | [P] |
| Alan van Capelle   | [A] | Linda Jones          | [P] | Richard F. Ropiak    | [P] |
| Melvin Cartegenena | [A] | Vaylateena Jones     | [P] | Christopher Santana  | [P] |
| Karlin Chan        | [A] | Meghan Joye          | [P] | Robin Schatell       | [P] |
| MyPhuong Chung     | [P] | Lisa Kaplan          | [P] | Susan Scheer         | [A] |
| David Crane        | [P] | Carol Kostik         | [P] | Laryssa Shainberg    | [A] |
| Enrique Cruz       | [P] | Mae Lee              | [P] | Wilson Soo           | [P] |
| Christian De Leon  | [P] | Veronica Leventhal   | [P] | Nancy Sparrow-Bartow | [P] |
| Eric Diaz          | [P] | Alysha Lewis-Coleman | [P] | Josephine Velez      | [P] |
| Wilda Escarfuller  | [A] | Gigi Li              | [P] | Rodney Washington    | [P] |
| David Ford         | [P] | Chad Marlow          | [P] | Kathleen Webster     | [P] |
| Debra Glass        | [A] | Alexandra Militano   | [P] | Thomas Yu            | [A] |
| Dan Ping He        | [P] | Chiun Ng             | [A] |                      |     |

Minutes:

Minutes of February 2016 were approved, as is.

**31 YES 0 NO 6 ABS 0 PNV MOTION PASSED**

Board Chairperson's Report:

Chairperson Gigi Li: The Chair asked for a moment to remember Charles Johnson, the husband of Anne Johnson, who passed away last month. The Chair introduced the new board members. The Chair noted that all new members must submit committee request forms, and she encouraged all existing members to submit committee request forms if they wish to change their committee. The Second Vice Chair will be hosting a new member social on May 15 from 12-2 at the community room at 10 Stanton Street. The Chair announced that the Mayor's executive budget, which has funds for resiliency, for social workers for seniors and for Beacon community centers. Beacon centers have been one of CB3's budget priorities for many years, and CB3 should be proud that the Mayor has allocated these funds. The Nominating Committee has been formed. Mae Lee is the chair of the committee, and the other members of the committee are Deborah Glass, Damaris Reyes, Veronica Leventhal and Richard Ropiak. The Chair is seeking a new Chair of the Parks Committee. On Monday, June 27, the Lower East Side Tenement Museum will be hosting members of CB3.

The members of CB3 all took a swearing of the oath of office.

District Manager's Report:

District Manager Susan Stetzer: The District Manager welcomed the new members. The Public Housing Subcommittee will be cancelled in May. The Land Use Committee will be reviewing the deed restriction process. Bernard, a former resident of the Third Street Men's Shelter that spoke before CB3 regarding the need to enforce penalties for dealing the drug K2, is now featured on the Mayor's Thrive program. There have been many crane problems, including one on Essex St. There is an upcoming crane safety presentation on May 3 at Cooper Union held by the Union of Operating Engineers. The District Manager has asked the local precincts to give the District Manager's office a list of the intercity bus companies to which they are issuing summonses. This will allow Community Board 3 to find the states that they are registered in and allow us to try to get judgements on the violations. The District Manager reported that the Houston Street construction project is now scheduled to be completed earlier than anticipated. There was a death at the Third Street Men's Shelter, which emphasizes the need for more security and support.

Committee Reports:

**Executive Committee**

There was discussion regarding the state of the four investigations being conducted about the lifting of the deed restriction and sale of Rivington House as well as the strong role CB 3 has taken to expose the issue.

1. Reaffirmation of CB 3 position on Rivington House

**VOTE: TITLE: Community Board 3 calls for the reversal of the sale of Rivington House, re-instatement of the deed restriction and the return of Rivington House to its use as a skilled nursing facility**

Whereas Community Board 3 has been a leader for the community to support the retention of skilled nursing home beds at Rivington House, located at 45 Rivington Street, since the closing of VillageCare in 2014, and

Whereas CB 3 believes the retention of nursing home beds at Rivington House is vital to the CB 3 community because of the loss of 355 beds at local nursing facilities in the last several years, and

Whereas this building has served residents of CB 3 since 1898 as a valuable community facility, first as a school then as a skilled nursing facility for AIDS patients and then as a general skilled nursing facility, and

Whereas Rivington House served the most vulnerable people in who require skilled nursing care and did this while allowing them to remain in their community with family and friends to provide support necessary to provide health and well-being, and

Whereas when the City sold the property to Village Care in 1993 it was with a deed restriction that would retain this community facility as a nonprofit nursing home in perpetuity, and

Whereas when VillageCare sold the property to the Allure Group, the property retained the deed restriction as a nonprofit nursing home, and

Whereas CB 3 supported Allure Group's proposal to change Rivington House from a skilled nursing facility to a general nursing home if that general nursing facility would be available to people needing

nursing home care regardless of their ability to pay, insurance status or need and allowing for the maximum number of nursing home beds, and

Whereas by lobbying for the maximum number of beds to serve the community, CB 3 was also lobbying to retain the union jobs at the facility, and

Whereas the Allure Group was neither transparent nor honest with the community and CB3 in its stated commitment to keep Rivington House as a necessary community facility, and

Whereas CB 3 made every effort to alert City officials by phone calls and resolutions that it believed the community was in danger of losing Rivington House as a necessary community facility, and

Whereas the profit made by the Allure Group by buying a facility with a deed restriction and then flipping the property for luxury condo development unjustly enriches the Allure Group at the expense of the vulnerable members of our community, and

Whereas the City did not respond to the CB 3 in our attempts to save Rivington House as a nursing home which has now impacted the community's ability to provide long-term affordable and skilled nursing care to its most vulnerable residents, and

Whereas the City accepted 16 million dollars to lift the deed restriction on Rivington House in a process that was not transparent, failed to include community input and was absolutely contrary to the to the needs of this community, now

Therefore be it resolved that CB 3 is resolute in its belief that Rivington House must return to its use as community facility, and continue to serve our community as a nursing home for our low and moderate income residents who are most in need, and

Therefore be it further resolved that CB 3 is adamant that the sale of the deed restriction be reversed and the complete deed restriction for Rivington House to be reinstated and now calls on Mayor de Blasio to effect these changes and to return Rivington House to its use as a skilled nursing facility, and

Therefore be it further resolved that the stop work order for 45 Rivington remain in effect until all investigations regarding these transactions are complete.

2. Opt out decision for managerial staff re paid parental leave deduction from salary and loss of vacation days  
**VOTE: TITLE: Community Board 3, Manhattan Opt Out for Paid Parental Leave Deduction from Salaries and Vacation days**

WHEREAS, CB 3 stands with the New York City Managerial Employees Association in applauding the Mayor's Paid Parental Leave initiative, but also shares concerns that parental leave for managers should not be funded by rescinding the managerial raise planned and announced for 2017 and also through the deduction of two earned vacation days, and

WHEREAS, the planned implementation of the initiative came without notice and without consultation of those who would be affected in the managerial work force; and

WHEREAS, this plan takes away raises and thereby reduces salaries in a system where Social Security and New York City Pensions are based on salaries and would therefore have the ripple effect of reducing pensions so

THEREFORE BE IT RESOLVED, CB 3 supports the request by the New York City Managerial Employees Association asking for a one year moratorium on the implementation of Paid Parental Leave for managers until the true costs of the initiative can be known, and

THEREFORE BE IT FURTHER RESOLVED, CB 3 opts out of the Paid Parental Leave initiative so as to maintain salary and leave for managers as the two affected managerial employees at CB 3 have requested that this option be taken so as to not reduce their salaries and vacations.

3. Operational polices regarding meetings on religious holidays, meeting locations  
To add to the CB 3 policy list additional current CB 3 operational policies regarding to meetings: holidays and accessible locations

**VOTE: TITLE: The following current policies of CB 3 regarding the scheduling of meetings will be added to the policy list so that all members are aware of operational policies of the Board.**

- CB 3 does not schedule meetings on the following holidays: Jewish holidays designated as "no work" days and Lunar New Year
- Meetings are scheduled only in accessible locations. This includes ADA accessibility and accessibility to all, including those without ID.

**33 YES 0 NO 2 ABS 0 PNV MOTION PASSED (excluding Exec item 1)**

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

**SLA & DCA Licensing Committee**

1. Approval of previous month's minutes  
no vote necessary / approved by committee

**Applications within Saturated Areas**

2. Quality Eats (Downwind from Pastrami LLC), 177 Ludlow St btwn E Houston & Stanton Sts (op)

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

**WHEREAS**, Downwind from Pastrami LLC, is applying for a full on-premises liquor license to operate a restaurant, with a proposed business name of Quality Eats, in the premises located at 177 Ludlow Street, between East Houston Street and Stanton Street, New York, New York; and

**WHEREAS**, this applicant is proposing to operate a restaurant with a casual American menu, hours operation of 11:00 A.M. to 11:00 P.M. Sundays through Wednesdays and 11:00 A.M. to 12:30 A.M. Thursdays through Saturdays, twenty (20) tables and fifty-two (52) seats, a sixteen (16) foot stand up bar with twelve (12) stools, an open facade and recorded background music; and

**WHEREAS**, this applicant has entered into a memorandum of understanding regarding its method of operation with the LES Dwellers, a local community association; and

**WHEREAS**, this location has previously housed a business with only a wine beer license; and

**WHEREAS**, there are fifty-six (56) full on-premises liquor licenses within five hundred (500) of this location and ten (10) licensed businesses on this block of Ludlow Street, including two (2) hotel on-premises liquor licenses, each of which has multiple public venues; and

**WHEREAS**, as conceded by the applicant, there are at least forty (40) full on-premises liquor licenses within five hundred (500) feet of this location;

**WHEREAS**, its stated public benefit is its operation as a restaurant which is part of large restaurant group that operates numerous restaurants, as well as its moderate hours and moderate pricing;

**WHEREAS**, although the principals for this application are part of large restaurant group that operates numerous restaurants, these principals have six (6) months experience operating a restaurant, that being a restaurant with the same business name as is proposed here;

**WHEREAS**, notwithstanding that the applicant entered into an agreement about its method of operation with the local community association, its stated public benefit as a casual American restaurant with moderate hours and prices operated by a large restaurant group is insufficient in an area with so many licensed businesses given that there are numerous restaurants in the area that offer casual American, American comfort and modern American cuisine at comparable prices, as well as numerous restaurants in the area which are now operated by large restaurant consortiums, including those operated by the hotels on the same block as this proposed business; and

**WHEREAS**, although the applicant furnished evidence of outreach to and support from the surrounding community for its business, in that it furnished fifty-six (56) petition signatures, some of the signatures were from area businesses and the applicant was unable to identify the number of signatures from area residents;

**WHEREAS**, this block of Ludlow Street is so overwhelmed with vehicular traffic congestion during all hours, as well as overwhelmed by garbage from its existing businesses, that addressing these issues have been identified as particular community board concerns; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on-premises liquor license for Downwind from Pastrami LLC, with a proposed business name of Quality Eats, for the premises located at 177 Ludlow Street, between East Houston Street and Stanton Street, New York, New York.

3. King Me Kong LLC, 119 St Marks Pl btwn 1st Ave & Ave A (op)

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

**WHEREAS**, King Me Kong LLC initially appeared before Community Board 3 seeking a full on-premises liquor license to operate a Vietnamese restaurant, in the premises located at 119 St. Marks Place, between First Avenue and Avenue A; 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 Vietnamese restaurant with a "fast casual street food" menu and hours of operation of 11:00 A.M. to 12:00 A.M. Sundays through Wednesdays and 11:00 A.M. to 2:00 A.M. Thursdays through Saturdays, in a location which has previously operated as a restaurant with a wine beer license and which never had any business with a full on-premises liquor license, 2) it is proposing to operate on a block which has nine (9) full on-premises liquor licenses, one (1) pending full on-premises liquor license and ten (10) wine beer licenses, 3) this location is in close proximity to numerous other businesses with full on-premises liquor licenses, 4) there are numerous Vietnamese restaurants in the surrounding area which operate with no or lesser liquor licenses, and 5) there is opposition to this application from the 9th Street A-1 Block Association and the North Avenue A Neighborhood Association to the granting of a full-liquor license for this location because of the number of other licensed businesses in the area, the lack of an existing full on-premises liquor license at this location, the number of existing Vietnamese restaurants with no or lesser licenses, the method of operation which includes a limited menu and later hours of operation and because adding this business would contribute to the decreasing retail diversity in the area; and

**WHEREAS**, given the concerns, Community Board 3 was unwilling to approve a full on-premises liquor license for this applicant at this location, and the applicant then stated that it will apply for a wine beer license for this business with earlier closing times; and

**WHEREAS**, Community Board 3 then moved to deny a wine beer license for King Me Kong LLC, for the premise located at 119 St. Marks Place, between First Avenue and Avenue A, 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 Vietnamese restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 12:00 A.M. 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 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 not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it 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 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 insure that there are no wait lines outside and 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.

**WHEREAS**, the applicant then chose not to agree to make as conditions of its license the aforementioned stipulations and elected not to withdraw its application and return to Community Board 3 for additional hearing of its application; now

**THEREFORE, BE IT RESOLVED**, that Community Board 3 moves to deny the application for a full on-premises liquor license for King Me Kong LLC, for the premises located at 119 St. Marks Place, between First Avenue and Avenue A.

4. Serafina, 98 Rivington St (op)  
withdrawn

5. Lamia's Fish Market (East Coast Fish Market Inc), 45 Ave B btwn E 3rd & E 4th Sts (wb)

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

**WHEREAS**, East Coast Fish Market Inc., with a proposed business name of Lamia's Fish Market, is seeking a wine beer license for the premises located at 45 Avenue B, between East 3rd Street and East 4th Street, New York, New York; and

**WHEREAS**, this is an application for a seafood restaurant and market, with an unspecified certificate of occupancy greater than one hundred sixty (160) people in two (2) storefronts and four (4) rooms, forty (40) tables and one hundred sixty (160) seats, hours of operation of 4:00 P.M. to 12:00 A.M. Mondays through Fridays and 11:00 A.M. to 12:00 A.M. Saturdays and Sundays, an eighteen (18) foot bar on the ground floor with no stools, a kitchen open all hours serving a menu consisting primarily of sandwiches and fish and chips, accordion doors and windows, recorded background music, and happy hours to 7:00 P.M.; and

**WHEREAS**, the actual address for this proposed application is 45-47 Avenue B, the site of the former 47 Avenue B East Inc., doing business as Le Souk; and

**WHEREAS**, Lamia Funti, the principal of the present application is the domestic partner of Marcus Andrews a/k/a Marcus Jacob a/k/a Mohkless Yacoub, and the sister-in-law of Sameh Jacob; and

**WHEREAS**, the principals and operators of 45-47 Avenue B, the site of the former 47 Avenue B East Inc., doing business as Le Souk, were Marcus Jacob and Sameh Jacob; and

**WHEREAS**, the present applicant has stated that Marcus Andrews is the owner of the properties located at 45-51 Avenue B and is her landlord; and

**WHEREAS**, the name Mohkless Yacoub is also publicly associated with the address 45-51 Avenue B; and

**WHEREAS**, Sameh Jacob has a current listed public address of 47 Avenue B, New York, New York; and

**WHEREAS**, 47 Avenue B East Inc., doing business as Le Souk, was heard for the renewal of its full on-premises liquor license by this community board in December of 2004, at the request of the 9th Precinct, and was denied because the 9th Precinct provided information that it was the leading recipient of 311 commercial noise complaints within the precinct, had sustained numerous SLA reports for sales to minors and disorderly premises and had been the location of arrests and violations, as a result of having changed its method of operation from a restaurant to a late night club and hookah bar with velvet ropes, noisy unruly crowds outside blocking the street and sidewalk, live performances, DJs and cover fees and reports of violence; and

**WHEREAS**, 47 Avenue B East Inc., doing business as Le Souk was again heard by Community Board 3 for the renewal of its full on-premises liquor license in December of 2006 and was again denied because it continued to be the recipient of resident complaints and police violations, it was still leading the precinct in 311 commercial noise complaints, its liquor license had been suspended by the SLA because of the violations it had sustained, it had a pending revocation proceeding before the SLA, it had been nuisance abated by the City of New York and because the principals had proven by their conduct that they would not operate the location compatible with the original stated method of operation or with the quality of life of its residential neighbors and safety of its patrons; and

**WHEREAS**, Community Board 3 then heard for the renewal of its full on-premises liquor the license of 46 Avenue B, located directly across the street from Le Souk, and denied this renewal because the licensee conceded that it had allowed the principals of Le Souk to use its liquor license to purchase alcohol for both 46 Avenue B and 47 Avenue B and operate a club, doing business as Carthage Palace, at 47 Avenue B, which operated as an extension of Le Souk, with velvet ropes, hookah, noisy unruly crowds blocking the street and sidewalk, live performances, DJs and cover fees; and

**WHEREAS**, Community Board 3 then heard for a full on-premises liquor license in December of 2008 and October of 2009 47 Avenue B East Inc. and denied its approval during both hearings because its full on-premises liquor license had been cancelled for the aforementioned reasons, including the purchase of alcohol for 47 Avenue B using the liquor license for 46 Avenue B; and

**WHEREAS**, Sameh Jacob and Marcus Jacob were also the principals and operators of Mendared LLC, doing business as Le Souk Harem, located at 510 LaGuardia Place, New York, New York, and York Food Corp., doing business as Falucka, located at 162 Bleecker Street, New York, New York; and

**WHEREAS**, although not currently a principal of the corporation, Sameh Jacob holds himself out as the manager of Falucka; and

**WHEREAS**, Lamia Funti stated to Community Board 3 that, although Marcus Andrews is the principal of Mendared LLC, doing business as Le Souk, located at 510 LaGuardia Place, she is the sole party responsible for its daily operations and neither she nor Marcus Andrews is in any way now associated with York Food Corp., doing business as Falucka, located at 162 Bleecker Street; and

**WHEREAS**, despite the representations of Lamia Funti, Marcus Andrews is one of the listed principals of York Food Corp.; and

**WHEREAS**, although the applicant stated that the creation of this account was a joke perpetrated by her minor daughter, at least two (2) public webpages contain the Instagram account of "@the\_famous\_Lamia", as well as a photograph of Lamia Funti and Marcus Andrews and the statement that Lamia Funti is the owner of both Le Souk and Falucka and will accept reservations for these businesses at that account address (see pages attached hereto); and

**WHEREAS**, Community Board #2 denied an alteration application in August of 2015 for York Food Corp., doing business as Falucka, to extend its operating hours and add DJs, live music and dancing because the applicant had originally applied to Community Board #2 in December of 1999 stating it would operate as a full-service restaurant, playing recorded background music and closing at 1:00 A.M. all days and the applicant conceded during its alteration application that it had already extended its closing times to 4:00 A.M., become a hookah bar, added live music, DJs and live performances and stopped serving food; and

**WHEREAS**, York Food Corp., doing business as Falucka, for the premises located at 162 Bleecker Street has sustained charges before the SLA for the illegal alteration of its method of operation and has additional charges and a revocation proceeding pending before the SLA; and

**WHEREAS**, it appears that Community Board #2 never approved the present method of operation of Mendared LLC, doing business as Le Souk Harem, for the premise located at 510 LaGuardia Place, in that Community Board #2 found in a motion from June of 2006 that Le Souk had opened without its knowledge or review and was being operated as a late night venue and hookah bar, with velvet ropes, DJs, live music and live performances; and

**WHEREAS**, the applicant has conceded that Le Souk Harem, for which she is the party solely responsible for its daily operations, was the scene of at least one violent incident, involving the slashing of a patron with a broken bottle, which occurred in July of 2015 (see article attached hereto); and

**WHEREAS**, there has been at least one additional incident of violence, reportedly involving the beating of an employee by Marcus Andrews in December of 2012 (see article attached hereto); and

**WHEREAS**, Le Souk, located at 510 LaGuardia Place, has sustained numerous charges before the SLA associated with its operation as a club; and

**WHEREAS**, it was publicly reported in April of 2012 that Sameh Jacob and Mohkless Yacoub were investigated by the United States Attorney for the Eastern District of structuring monies (see article attached hereto); and

**WHEREAS**, Sameh Jacob was then convicted of structuring financial transactions on February 26, 2014, for offenses committed while he was part owner of Le Souk and Falucka; and

**WHEREAS**, notwithstanding that the present applicant furnished one hundred thirty-eight (138) petition signatures in support of her application, it is the belief of this Community Board that most of the signatories are unaware of the history of this location, this applicant or the history of her personal and professional associates both within this community board district and within Community Board #2; and

**WHEREAS**, numerous area residents appeared in opposition to this application, stating that living through the experience of Le Souk at this address had been "a nightmare" because of the noise, unruly crowds, violent incidents and overwhelming traffic associated with that business, that they "could not trust" the representations of anyone associated with the principals of Le Souk, located at

47 Avenue B, that narrow Avenue B could not accommodate such a large venue and that the proposed business was not of a size, type or price point compatible with the surrounding residents; and

**WHEREAS**, representatives of the East 4th Street Block Association also appeared in opposition to this application, stating that they had met with the applicant, were concerned about the size and scope of the proposed business, that all of the businesses associated with the applicant and her family have illegally altered their methods of operation to operate as clubs with late night hours, live music, live performances, DJs and cover fees, that the business for which the applicant is the current daily manager has been the location of violent incidents and that the convicted brother-in-law of the applicant will be associated with this business as he is with the other businesses associated with the applicant; and

**WHEREAS**, for the foregoing reasons, Community Board 3 has no assurances that this applicant will operate a business at this location consistent with its proposed method operation, compatible with the quality of life and safety of community residents or even its own patrons or that the proposed business will be unaffiliated with Sameh Jacob or Marcus Andrews a/k/a Marcus Jacob a/k/a Mohkless Yacoub;

**WHEREAS**, for the foregoing reasons, Community Board 3 believes that there is no public convenience or advantage in the granting of a wine beer license to this applicant; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a wine beer license for East Coast Fish Market Inc., with a proposed business name of Lamia's Fish Market, for the premises located at 45 Avenue B, between East 3rd Street and East 4th Street.

6. French Headquarter LES (Wild East Corp), 51 Ave B (wb)  
withdrawn

7. Mos Eisley LLC, 127 Ave C @ E 8th St (op)

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

**WHEREAS**, Mos Eisley LLC, is seeking a full on-premises liquor license for the premises located at 127 Avenue C a/k/a 343 East 8th Street, at the corner of East 8th Street and Avenue C; and

**WHEREAS**, this is an application for a cocktail bar and pizza restaurant, with hours of operation of 12:00 P.M. to 2:00 A.M., a nineteen (19) foot bar with thirteen (13) stools, a sidewalk café and recorded background music; and

**WHEREAS**, the applicant has stated that it has been recognized for its bartending and mixology skills which will attract patrons to this location; and

**WHEREAS**, notwithstanding that this location had a business with a full on-premises liquor license, the prior business operated as an Italian restaurant and sought a change in class of its wine beer license to a full on-premises license after eight (8) years of operating in the community; and

**WHEREAS**, there are twelve (12) full on-premises liquor licenses within five hundred (500) feet of this location, five (5) of which are on this block of Avenue C, between East 8th Street and East 9th Street, and on the same side of the street as this location; and

**WHEREAS**, the conditions of this block cannot support the addition of another late night bar, in that Community Board 3 has received past complaints from residents of 129 Avenue C and surrounding buildings of loud music and vibrations from the bass at the businesses located at 129-131 Avenue C, noisy unruly patrons blocking the sidewalk and residential entrances and harassing residents, causing them to feel unsafe when they walk down the street or try to enter their homes, wait lines outside of the businesses located at 129-131 Avenue C, with velvet ropes, loud inattentive bouncers who are apparently not controlling the patrons, incidents of violence and a lack of response from the business management to repeated complaints; and

**WHEREAS**, there are numerous cocktail bars in the surrounding area, as well as numerous pizza restaurants in the surrounding area which operate with no or lesser liquor licenses, and

**WHEREAS**, notwithstanding that the applicant provided petition signatures in support of its application and two speakers appeared in support of this application on behalf of a community organization that the applicant offered to assist with a community festival, there has been no stated public benefit for the approval of a full on-premises liquor license for this applicant at this location, in

that the proposed business plan appears to be that of a bar serving a limited pizza menu with proposed later hours; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 moves to deny the application for a full on premises liquor license for Mos Eisley LLC, for the premises located at 127 Avenue C a/k/a 343 East 8th Street, at the corner of East 8th Street and Avenue C.

8. Baker's Pizza (Baker's Pizza LLC), 201 Ave A btwn E 12th & E 13th Sts (wb)  
no vote necessary

9. Second Desi Galli LLC, 172 Ave B btwn E 10th & E 11th 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 Second Desi Galli LLC, for the premise located at 172 Avenue B, between East 10th Street and East 11th 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 Indian restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 12:00 A.M. Sundays through Thursdays and 11:00 A.M. to 1:00 A.M. Fridays and Saturdays,
- 3) it will 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 during any amplified performances, including but not limited to DJs, live music and live nonmusical performances and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will install soundproofing, if necessary,
- 6) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it will not seek a change in class to a full on-premises liquor license without first obtaining the approval of Community Board 3,
- 9) it will not have "happy hours,"
- 10) it will not host pub crawls or party buses,
- 11) it will not have unlimited drink specials with food,
- 12) it will insure that there are no wait lines outside,
- 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

**Sidewalk Cafe Application**

10. Lionsbeerstore (Beer Factory LLC), 104 2nd Ave @ E 6th St

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

To approve the application for a sidewalk café permit for ten (10) tables and twenty-two (22) seats for Beer Factory LLC, doing business as Lionsbeerstore, at the premises located at 104 Second Avenue, at the corner of Second Avenue and East 6th Street, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of ten (10) tables and twenty-two (22) seats, to be located on Second Avenue, and
- 2) its hours of operation will be 11:00 A.M. to 10:00 P.M. Sundays through Thursdays and 11:00 A.M. to 11:00 P.M. Fridays and Saturdays.

11. Biang (Wen Zi Inc), 157 2nd Ave btwn E 9th & E 10th Sts

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

To approve the application for a sidewalk café permit for eight (8) tables and sixteen (16) seats for Wen Zi Inc., doing business as Biang, at the premises located at 157 Second Avenue, between East 9th Street and East 10th 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 11:00 A.M. to 10:00 P.M. Sundays through Thursdays and 11:00 A.M. to 11:00 P.M. Fridays and Saturdays.

12. Vandal (Bowery Hospitality Associates LLC), 199 Bowery @ Spring St

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

To approve the application for a sidewalk café permit for twenty (20) tables and seventy-three (73) seats for Bowery Hospitality Associates LLC, doing business as Vandal, at the premises located at 199 Bowery, at the intersection of Bowery and Spring Street, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of twenty (20) tables and seventy-three (73) seats, and
- 2) its hours of operation will be 11:00 A.M. to 10:00 P.M. Sundays through Thursdays and 11:00 A.M. to 11:00 P.M. Fridays and Saturdays.

13. Jethou LLC, 167 Orchard St @ Stanton St

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

To approve the application for a sidewalk café permit for nine (9) tables and eighteen (18) seats for Jethou LLC, doing business as Pizza Beach, at the premises located at 167 Orchard Street a/k/a 87 Stanton Street, at the corner of Stanton Street and Orchard Street, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of nine (9) tables and eighteen (18) seats, to be located on Orchard Street, and
- 2) its hours of operation will be 5:00 P.M. to 10:00 P.M. Mondays through Fridays and 12:00 P.M. to 10:00 P.M. Saturdays and Sundays.

**Alterations**

14. Ruffian Wine Bar (Pac Restaurant LLC), 125 E 7th St (wb/extend Thursday-Saturday hours till 2am) withdrawn

**New Liquor License Applications**

15. AGN Restaurant LLC, 166 1st Ave btwn E 10th & E 11th Sts (op)

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

To deny the application for a full on-premises liquor license for AGN Restaurant LLC, for the premise located at 166 First Avenue, between East 10th Street and East 11th 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 comfort food 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 2:00 A.M. Sundays through Wednesdays and 11:30 A.M. to 4:00 A.M. Thursdays through 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 and during any live acoustic performances,
- 5) it will install additional soundproofing, according to the recommendations of a sound engineer,
- 6) it will play ambient background music only, consisting of recorded music and acoustic live music, and will not have DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it will employ three (3) security guards Thursdays through Saturdays,
- 9) it may have "happy hours" to 8:00 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 insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

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 1) this applicant has operated a business with a full on-premises liquor licenses at 222 East 14th Street for eight (8) years without complaints, 2) the applicant has demonstrated support for this application, in that it has furnished forty-six (46) signatures from area residents in support of its application, and 3) this is a sale of assets of a preexisting business with full on-premises liquor license.

16. Sauce (Sauce Restaurant LLC), 78-84 Rivington St @ Allen St (op)

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

Understanding that this is a sale of assets of a preexisting restaurant with a full on-premises liquor license to the manager and one principal of the existing restaurant and that the name and method of operation of the existing business will remain the same, Community Board 3 moves to deny the application for a full on-premises liquor license for Sauce Restaurant LLC, doing business as Sauce, for the premise located at 78-84 Rivington Street, at the corner of Rivington Street and Allen Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Italian 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 4:00 A.M. all days,
- 3) it will operate its sidewalk café, consisting of seventeen (17) tables and thirty-four (34) seats, from 8:00 A.M. to 11:00 P.M. all days,
- 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 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 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.

17. Alegria (Hatillo Restaurant Group LLC), 103 Essex St (op)  
withdrawn

18. Proto's Pizza (Fifty East LLC), 50 2nd Ave btwn E 2nd & E 3rd 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 Fifty East LLC, doing business as Proto's Pizza, for the premise located at 50 Second Avenue, between East 2nd Street and Est 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 pizza 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 through Thursdays and 11:00 A.M. to 2:00 A.M. Fridays and Saturdays and it will cease the service of alcohol at 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 install soundproofing, if necessary,
- 6) 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,
- 7) it will not apply for any alteration in its method of operation 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 will not have "happy hours,"
- 10) it will not host pub crawls or party buses,
- 11) it will not have unlimited drink specials with food,
- 12) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and

14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

19. 98 Favor Taste Restaurant Inc, 37 St Marks Pl btwn 2nd & 3rd Aves (wb)  
no vote necessary

25. To be Determined, 104 3rd Ave (op)  
withdrawn

**Items not heard at Committee**

20. Virgola (Virgola 3 LLC), 221 Ave B (wb)  
no vote necessary

21. Essex Project LLC, 119 Essex St (wb)  
no vote necessary

22. Dumpling Go (Dumpling 2 Avenue Inc), 188 2nd Ave (wb)  
no vote necessary

23. To be Determined, 195-197 Ave B (wb)  
no vote necessary

**Hotel Applications**

24. 215 Chrystie LLC, IS Chrystie Management LLC & VS-Chrystie LLC, 215 Chrystie St (hotel op); IS Chrystie Management LLC & VS-Chrystie LLC, 215 Chrystie St btwn E Houston & Stanton Sts (restaurant op)  
withdrawn until May meeting

**Old Business**

▪ Hou Yi Spicy Inc, 97 Second Avenue (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 Hou Yi Spicy Inc., for the premise located at 97 Second Avenue, between East 5th Street and East 6th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Chinese hot pot restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 12:00 A.M. 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 and will otherwise have a closed fixed faced with no open doors or windows,
- 5) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will install soundproofing consistent with the recommendations of an acoustic engineer,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it will not seek a change in class of its liquor license to a full on-premise liquor license without first obtaining approval from Community Board 3,
- 9) it will not have "happy hours,"
- 10) it will not host pub crawls or party buses,
- 11) it will insure that there are no wait lines outside
- 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.

**33 YES 0 NO 2 ABS 0 PNV MOTION PASSED**

**Parks, Recreation, Cultural Affairs, Landmarks, & Waterfront Committee**

1. Approval of previous month's minutes  
no vote necessary / approved by committee

2. CB 5 Sunshine Taskforce: presentation of studies evaluating cumulative effect of outsized development on infrastructures as well as our natural resources, including access to air and sunlight  
no vote necessary

3. Presentation on storm hardening the Con Edison Jackson Street Head House at Jackson St & FDR, adjacent to the East River, within East River Park

**VOTE: TITLE: CB 3 Support for Storm Hardening the Con Edison Jackson Street Head House at Jackson Street & FDR within East River Park**

WHEREAS, Con Edison, as part of their storm hardening efforts for critical infrastructure, is upgrading their existing facilities to resist flood events in accordance with the latest FEMA guidelines; and

WHEREAS, the Hudson Avenue Tunnel, owned and operated by Con Edison, houses two 24" steam mains, electrical feeders, and other telecom facilities. The tunnel offers a passageway for these utilities to cross under the East River between Brooklyn and Manhattan; and

WHEREAS, access to this vital tunnel is through two vertical shafts, one located at each end of the tunnel. One shaft is located in Brooklyn within a Con Edison owned facility while the other is located in Manhattan at the intersection of Jackson Street and the FDR Drive inside the East River Park; and

WHEREAS, atop each tunnel shaft (above grade), is a building structure called a Head House. The primary purpose of the Head House is to provide ventilation to the tunnel and to shelter essential electrical and mechanical equipment necessary for the operation and maintenance of the tunnel; and

WHEREAS, during Super Storm Sandy, the existing head house experienced extensive damage due to the storm surge from the East River. The building does not currently meet the flood protection measures established by FEMA, the Army Core of Engineers, or the ASCE-7; and

WHEREAS, in order to make the Head House flood resistant, the entire building above the seawall level has been redesigned and will be reconstructed to resist flood loads associated with storm conditions and will be elevated above the FEMA Design Flood Elevation, while maintaining ventilation and access requirements for the tunnel in order to maintain operation during and after a major flood event; and

WHEREAS, Cameras and low foot candle lights will be installed on all four sides of the building for security purposes. A ten foot decorative fence with an access gate located on the northwest corner will be constructed to surround the building on all 4 sides for further security; and

WHEREAS, the muted colors of the materials and simple design of the new Head House will allow it to match the existing built condition in order to maintain the prevalence of the natural environment the park provides. The overall architectural finishes have been coordinated to blend the Head House in with the future East River Park Enhancement Project; so

THEREFORE BE IT RESOLVED, CB 3 supports the reconstruction of the Jackson Street Head House to provide resilience to the critical New York City utilities located in the Hudson Avenue Tunnel against potentially devastating weather events similar to Super Storm Sandy in the future.

4. Report from Park Manager  
no vote necessary
5. Report from Arts Subcommittee  
no vote necessary

**33 YES 0 NO 2 ABS 0 PNV MOTION PASSED**

#### **Landmarks Committee**

- Certificate of Appropriateness application for 64 East 4th Street for an addition to the store front of the building to expand the lobby space outward to the existing property line, as well as a façade redesign for the new store front addition

**VOTE: TITLE: Approval of the Certificate of Appropriateness application (18-3981) for 64 East 4th Street for an addition to the storefront.**

WHEREAS, 64 East 4th Street (Block 459, Lot 18) is a Greek Revival building with neo-Grec elements, built in 1832, and altered in 1873; and

WHEREAS, its significant architectural features include Flemish-bond brickwork on lower stories, neo-Grec-style molded window lintels and a bracketed cornice; and

WHEREAS, it has undergone significant alterations over the years, particularly to the storefront; and

WHEREAS, the purpose of the proposed modification is to extend the lobby space; and

WHEREAS, the lobby extension remains within the volume of the earlier storefront addition; and

WHEREAS, no historic fabric remains on the first two floors, and there will be no effect on the original fabric of the upper floors; so

THEREFORE BE IT RESOLVED, CB 3 approves the Certificate of Appropriateness application for 64 East 4th Street;

THEREFORE BE IT FURTHER RESOLVED, CB 3 recommends that the color of the frame on the new lobby extension be changed to a rust color that would be visually compatible with the facade of the building and with the two adjacent buildings.

**33 YES 0 NO 2 ABS 0 PNV MOTION PASSED**

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

1. Approval of previous month's minutes  
no vote necessary / approved by committee
2. Development team: Update on Essex Crossing  
no vote necessary
3. Councilmembers Mendez and Chin: Discussion of ZQA and MIH zoning changes and City Council changes  
no vote necessary
4. Review of District Needs Statement for update  
no vote necessary
5. 421-a application for 145 Clinton Street at Essex Crossing Site 5

**VOTE: TITLE: Resolution to Support the 421-A application for Preliminary Certificate of Eligibility for 145 Clinton Street at Essex Crossing Site 5.**

**WHEREAS**, the building to be developed at 145 Clinton Street includes 211 units, of which 50% are permanently affordable, as well as two floors of commercial space; and

**WHEREAS**, the affordable units will be distributed among all 15 floors of the building; and

**WHEREAS**, there will be a publicly available park on the Broome Street side of the lot; so

**THEREFORE BE IT RESOLVED** that Community Board 3 approves the 421-A application for Preliminary Certificate of Eligibility for 145 Clinton Street at Essex Crossing Site 5;

**WE FURTHERMORE** expect that

- The in-building amenities available to market-rate tenants will also be affordable for those tenants in affordable units
- A 10 pm closing time will be considered for the rooftop and the park in consideration of residents of neighboring buildings
- Commercial tenants will be encouraged to close by midnight to address noise complaints affecting the neighborhood,
- During construction a liaison will be available for residents to contact to address issues,
- Local hiring will be encouraged for positions made available during construction and in the building.

**33 YES 0 NO 2 ABS 0 PNV MOTION PASSED (excluding Land Use Item 5)**

**32 YES 0 NO 2 ABS 1 PNV MOTION PASSED (Land Use Item 5)**

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

1. Approval of previous month's minutes  
no vote necessary / approved by committee
2. Support for changes to Special Education Student Information System for Special Education students and families in CB 3 to increase effectiveness & accessibility

**VOTE: TITLE: RESOLUTION IN SUPPORT OF SESIS REFORM**

**WHEREAS**, Public Advocate James filed a lawsuit against the New York City Department of Education (DOE) on February 1, 2016, for failing to track the needs of students with disabilities, resulting in a severe lack of services for these children and a major loss in Medicaid revenue for the City; and

**WHEREAS**, the lawsuit targets DOE's Special Education Student Information System (SEIS), the state Medicaid-broker, which was developed in 2009, through a \$130 million contract with Maximus, Inc.,

and the intent of which was to provide robust documentation about the Individual Education Plans (IEP) of students with disabilities and ensure compliance with federal and state reporting requirements by documenting the speech or physical or occupational therapy service provided, a description of the student's progress, and the provider's attestation; and

WHEREAS, the research and analysis brought forth by the lawsuit and similarly by a March 2016 report by the Independent Budget Office, by a 2013 audit by the New York City Comptroller, by many other reports, and supported by the public statements of parents in CSD 1, show that the failures of SESIS has led to reduced accountability, lengthy delays in receiving services, impeded or delayed services when transferring from school-to-school, tedious and costly inputting, technical deficiencies leading to failures in recording information, and students who do not receive services at all; and

WHEREAS, the prolonged failures have deprived the already-underfunded New York City School System of at least \$356 million in federal Medicaid dollars, as estimated by the New York City Comptroller in 2014 for just the FYs 2012-2014 and which could be otherwise reimbursed with documentation of the delivery of service, and have been apparently ignored in the city's preliminary budget, which anticipates reimbursements of \$97 million despite receiving only \$27 million in the prior year; and

WHEREAS, the over 200,000 students in the city with special needs are disproportionately concentrated in poor neighborhoods and among students of color, and Community School District 1 is particularly harmed by these failures and loss of revenue as nearly 25% of its K-8 population, comprising 1,984 students, are Student with Disabilities, according to the 2016 Local Law 59 School Diversity Accountability; and

WHEREAS, the loss of services and revenue has only been made worse by the decreased access to Pre-K social workers in local schools, with a reported 2-3 Pre-K social workers for all of CSD1 schools, social workers and service providers generally, and to SEITs, school psychologists, and physical, occupational, and speech therapists who might otherwise mitigate these issues; and

WHEREAS, most significantly these failures and the obligations that have been ignored have devastating impacts to affected students and families and the greater community at large and has left this community without the means to adequately determine how many and how well students are receiving their services under their IEPs and monitor compliance with city, state, and federal law; and

THEREFORE, be it resolved that, CB3 asks the DOE to take immediate steps to address the well-documented flaws in the SESIS system, cooperate with a court-ordered inquiry as suggested by the Public Advocate's suit, take appropriate steps to enforce and provide oversight to the contract with Maximus, Inc., and implement an immediate strategy, with sufficient opportunity for public input, to address or develop an alternative to the services, oversight, and resource deficiencies of SESIS.

3. Mental health needs in CB 3 shelters

**VOTE: TITLE: Resolution in Support of Mental Health Needs in CB 3 Shelters**

Whereas CB 3 is home to more than 15 NYC DHS funded shelters of many varieties, serving singles and families, and including people with disabilities, people transitioning from prison, people in search of employment and people with mental health needs, and

Whereas we recognize and appreciate that NYC DHS has recently allocated additional funding to some DHS funded shelters to enhance their mental health and other social services needs for their residents, and

Whereas CB 3 believes that every shelter, regardless of size or population served, should be asked to, and assisted in, identifying their needs for mental health and other social services to properly serve the homeless community, and

Whereas CB 3 believes that in order to properly operate and plan for their shelters, including staff and services for residents, shelter providers must have their funding baselined in their contracts and in the city budget, ensuring for long-term consistency, reliability and stability in programming and staffing,

Now, therefore, be it resolved that, CB 3 requests that the City administration work with each shelter operator to proactively evaluate the needs of every shelter, develop a plan for funding these needs, and baseline funding that will provide for all the essential staff and services of these shelters.

4. Support for Public Advocate's initiative for affordable childcare in NYC  
no vote necessary

5. Support for implementation plan for school accessibility for schools in CB 3

**VOTE: TITLE: RESOLUTION IN SUPPORT OF ACCESSIBLE SCHOOLS**

WHEREAS, the United States Attorney's Office for the Southern District of New York recently released the results of its investigation into whether the City of New York has complied with its legal obligations as they relate to the physical accessibility of public elementary schools and found a pervasive and serious lack of compliance; and

WHEREAS, the Center for the Independence of the Disabled's ongoing voting rights project and legal actions have highlighted the lack of accessibility of poll sites, which in this community is often the local school, and the deficiencies in assuring that voters with disabilities can vote at these local poll sites, as part of their community, without facing any barriers; and

WHEREAS, community members have attested that just getting in the door at neighborhood poll sites remains a significant barrier to voting for people with disabilities; and

WHEREAS, this board, in addressing the need for a school at the Essex Crossing Site, has documented and examined the dearth of ADA accessible schools in this community, with potentially only three schools that are accessible as defined by the Americans with Disabilities Act of 1990 (the "ADA"); and

WHEREAS, the need for meaningful access for the disabled to local schools is not limited to students voters, but is required by the many alternate and ancillary uses of our local schools, whether as access to after-school programs, community programs, access to a place of employment, or access to a emergency shelter, and need not be justified beyond the obligation under the Rehabilitation Act of 1973 and Title II of the ADA; and

WHEREAS, the appalling deficiencies in our schools, with 83% of all public schools being inaccessible, and the failure to remedy the pervasive and recurring and documented barriers to access, and, in the case of the DOE, recently denied, and, in the case of the BOE, disputed unsuccessfully in court, have led to appalling segregation of the disabled in those few schools that are accessible, further segregation and perhaps misclassification of the disabled as District 75 students, and have a high degree of correlation across race and income; and

THEREFORE, be it resolved that, CB3 urges the Department of Education, in consideration of the numerous roles that schools play in our community, make it a top priority to comply with ADA design standards, to provide program accessibility to the first floor and any auditoriums, gymnasiums, and cafeterias, to remedy protruding objects and absence of signage, and to develop a reasonable modification policy to address the needs of children with physical disabilities.

**33 YES 0 NO 2 ABS 0 PNV MOTION PASSED (excluding Human Services item 2, 5)**

**31 YES 0 NO 2 ABS 2 PNV MOTION PASSED (Human Services item 2)**

**32 YES 0 NO 2 ABS 1 PNV MOTION PASSED (Human Services item 5)**

**Economic Development Committee**

no meeting

**Transportation & Public Safety and Environment Committee**

There was discussion regarding Transportation Item 4, including the need for three loading zones, the need for a loading dock on 13th Street and the effect the loading zones and dock would have on traffic and the community. Representatives from Extell, the developer, spoke and answered questions.

1. Approval of previous month's minutes  
no vote necessary / approved by committee
2. LES BID presentation of modifications to Essex Street street seats and parking regulations adjacent to the Essex St Market

**VOTE: TITLE: Motion to support modifications to Essex St. Street Seats and Parking Regulations Adjacent to Essex St Market**

WHEREAS, Community Board 3 supported the installation of a Street Seat on the east side of Essex Street between Delancey and Rivington Streets adjacent to the Essex Street Market; and

WHEREAS, the approved resolution noted the removal of two parking spaces and that significant parking alternatives were available at the Essex/Ludlow garage operated by NYC DOT located across the street; and

WHEREAS, modifications to the original foot print of the Street Seat were deemed necessary and appropriate due to design and budgetary constraints; and

WHEREAS, a defined loading zone is needed to improve operations of the overall facility and of individual vendors; so

THEREFORE BE IT RESOLVED, Community Board 3 reaffirms support for the installation of a Street Seat at this location that is no longer than 42 feet; and

THEREFORE BE IT FURTHER RESOLVED, Community Board 3 supports a change in parking regulations on the east side of Essex Street between Rivington and Delancey Streets to include changing all metered parking spaces to two hour parking as well as the addition of 146 foot loading zone, of which a portion will be utilized for the approved Street Seat during warm weather months.

3. Requested support for speed safety cameras for #everyschool campaign  
no vote necessary

4. Request for loading zones for Extell development at 500-530 East 14th Street (one on Avenue A and two on 14th Street)

**VOTE: TITLE: Community Board 3 to Approve loading zones of 75 feet each at 224 Avenue A, 510 East 14th Street, and 528 East 14th Street to mitigate loading on E 13th Street**

WHEREAS, The Extell development at 500 E 14th Street is a residential building with ground floor commercial space; and

WHEREAS, the back of the building on E 13th Street has a planned loading dock as required by zoning text; and

WHEREAS, the residents of East 13 Street have requested that their block not be used for loading and unloading as it is a residential street with many families, even though the north side of the block is zoned commercial to accommodate the commercial storefronts on E 14th Street; and

WHEREAS, Extell wishes to minimize the use of the loading dock on E 13th Street to comply with the residents' request; and

WHEREAS, Extell is therefore requesting 3 loading zones at 224 Avenue A, 510 East 14th Street, and 528 East 14th Street of 75 feet each; and

WHEREAS, these 3 loading zones will displace approximately 12 parking spaces but will allow Extell to use commercial zones and not a residential block; so

THEREFORE BE IT RESOLVED, that Community Board 3 supports loading zones of 75 feet each at 224 Avenue A, 510 East 14th Street, and 528 East 14th Street to mitigate loading on E 13th Street.

5. DOT: TransXpress Services Inc, increase number of vans (commuter van application)

**VOTE: TITLE: Motion to Support Application by TransXpress Services, Inc to Increase Commuter Vans**

**WHEREAS**, TransXpress Services, Inc has applied for a change to their TLC license for operating a commuter van service between Bayside, Queens and lower Manhattan. TransXpress is currently allowed to operate 23 vans on this route and has requested they be allowed 12 additional vans, for a total of 35 vans; and

**WHEREAS**, CB 3 Manhattan understands the value of commuter vans to the community and demand for commuter van service is evident; and

**WHEREAS**, the commuter van operators have been assigned stops from which to conduct passenger drop-off and pick-up. However, the community also has concerns about impacts such as noise, idling, litter and sidewalk congestions. TransXpress Services management has agreed that they understand these issues and will comply with the rules of operation listed below; and

**WHEREAS**, There is a safety problem caused if van drivers were to intentionally operate above the capacity of 19 passengers that would be allowed by the TLC license. It is a common practice to provide additional, unfixed seating for extra passengers, which is against safety regulations. The van operators are contracted by TransXpress Services to operate under the TransXpress license and TransXpress has a dispatcher on site at the assigned van stop who can observe this practice. TransXpress Services

management has agreed not to engage in this unsafe practice and to institute incremental measures up to and including the suspension of drivers who repeatedly violate the vehicle seating limits; so

**THEREFORE BE IT RESOLVED**, that CB 3 Manhattan requests that TransXpress Services, Inc comply with the following operating rules, as agreed before the CB 3 Manhattan Transportation Committee at the April 2016 meeting:

- Clean litter at the assigned van stop.
- No idling of diesel engines.
- Orderly queuing of customers.
- Make efforts to enforce vehicle seating limits for all vans operating on their route

**THEREFORE BE IT FURTHER RESOLVED**, that CB 3 Manhattan requests that DOT/TLC allow an increase of 12 vans for the TLC license granted to TransXpress Services, Inc., for a total of 35 commuter vans.

**VOTE:** Refer Transportation Item 4 back to the Transportation Committee.

**33 YES 0 NO 2 ABS 0 PNV MOTION PASSED (excluding Transportation item 4)**

**18 YES 15 NO 2 ABS 0 PNV MOTION PASSED (Transportation item 4)**

**23 YES 9 NO 1 ABS 0 PNV MOTION PASSED (refer Transportation item 4 back to committee)**

Members Present at Last Vote:

|                   |     |                      |     |                      |     |
|-------------------|-----|----------------------|-----|----------------------|-----|
| David Adams       | [A] | Luke Henry           | [P] | Nancy Ortiz          | [A] |
| Yaron Altman      | [P] | Herman F. Hewitt     | [P] | Carolyn Ratcliffe    | [P] |
| Dominic Berg      | [P] | Trever Holland       | [P] | Joyce Ravitz         | [P] |
| Karen Blatt       | [A] | Sameh Jacob          | [P] | Damaris Reyes        | [P] |
| Lisa Burriss      | [A] | Anne K. Johnson      | [P] | James Rogers         | [P] |
| Alan van Capelle  | [A] | Linda Jones          | [P] | Richard F. Ropiak    | [A] |
| Melvin Cartegena  | [A] | Vaylateena Jones     | [P] | Christopher Santana  | [A] |
| Karlin Chan       | [A] | Meghan Joye          | [P] | Robin Schatell       | [A] |
| MyPhuong Chung    | [P] | Lisa Kaplan          | [P] | Susan Scheer         | [A] |
| David Crane       | [P] | Carol Kostik         | [P] | Laryssa Shainberg    | [A] |
| Enrique Cruz      | [P] | Mae Lee              | [P] | Wilson Soo           | [P] |
| Christian De Leon | [P] | Veronica Leventhal   | [P] | Nancy Sparrow-Bartow | [P] |
| Eric Diaz         | [A] | Alysha Lewis-Coleman | [P] | Josephine Velez      | [P] |
| Wilda Escarfuller | [A] | Gigi Li              | [P] | Rodney Washington    | [P] |
| David Ford        | [P] | Chad Marlow          | [P] | Kathleen Webster     | [P] |
| Debra Glass       | [A] | Alexandra Militano   | [P] | Thomas Yu            | [A] |
| Dan Ping He       | [P] | Chiun Ng             | [A] |                      |     |

Meeting Adjourned