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Bo Riccobono, *First Vice Chair*  
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Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

## COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE  
NEW YORK, NY 10012-1899

[www.cb2manhattan.org](http://www.cb2manhattan.org)

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Greenwich Village v Little Italy v SoHo v NoHo v Hudson Square v Chinatown v Gansevoort Market

October 28, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on October 23, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**1. Dumpling USA NY LLC, d/b/a TBD, 121 West 3<sup>rd</sup> St. 10001** (New BW license, previously licensed)

**Whereas**, this application is for a new Beer and Wine license for a family owned and operated Chinese style restaurant operating as a Dumpling House in a mixed-use building, located on West 3rd Street between MacDougal and 6th Avenue for a 700 sq. ft. storefront premise with one entrance/exit, a full service kitchen, one bathroom, there are 4 tables with 21 seats, 4 seats at a front window counter and no bar, for an occupancy of 25; there is no sidewalk café and no backyard use; and,

**Whereas**, the premises were previously operated for years as the Mayabi Sushi Japanese Restaurant; and

**Whereas**, the hours of operation are Sunday to Wednesday from 11:00 a.m. to 12:00 a.m. and Thursday through Saturday from 11:00 a.m. to 2:00 a.m. but all alcohol service will be stopped by 12:00 a.m. seven nights a week; this is a full service Chinese restaurant; music will be background only, there will be no d.j. or live music, there will be no scheduled performances or events with a cover charge; and,

**Whereas**, the applicant executed a stipulations agreement with CB2 Man. that they agreed would be attached and incorporated in to their method of operation on their OP license and the stipulations are as follows:

1. Premises will be advertised and operated as a full service Chinese restaurant specializing in Dumplings.

2. Will operate with hours of operation Sunday to Wednesday from 11:00 a.m. to 12:00 a.m. and Thursday through Saturday from 11:00 a.m. to 2:00 a.m.
3. There will be no TVs and no bars.
4. Music will be quiet, background level only and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
5. Will stop the service of all alcoholic beverages at 12:00 a.m. every night, seven days a week.
6. Will not install French doors or windows that open out to sidewalk or otherwise.
7. Will close all doors and windows at all times.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a Beer/Wine license to **C. Ho On Behalf of an entity to be determined, d/b/a TBD, 121 West 3rd St. unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" for a BW License.

Vote: Unanimous, with 46 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



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317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on October 23, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **2. Layla Tov, Inc., d/b/a Westville, 333 Hudson St. 10014 (Corp. Change lic. # 1265533)**

**Whereas**, this application is for a corporate change (from Limited LLC to S Corp. but shareholders/principals will remain the same) for an existing OP license for a full service American restaurant in a 10 story commercial building, located at the corner of Hudson and Charlton Streets in a 2640 sq. ft. storefront premise with a full service kitchen, a 1200 sq. ft. basement for storage only, two entrances and three exits, a full service kitchen, three bathrooms, there are 30 interior tables with 80 interior seats, 1 full service bar with 16 seats for an total interior occupancy of 96; there is an existing sidewalk café with 10 exterior tables and 22 exterior seats and there is no exterior back yard use; and,

**Whereas**, the applicant is making to no changes to its existing method of operation as a full service restaurant, there are no TVs, the hours of operation will remain from 9:00 a.m. to 12:00 a.m. Sunday through Wednesday and from 9:00 a.m. to 1:00 a.m. Thursday through Saturday; and

**Whereas**, the applicant executed a stipulations agreement with CB2 Man. that they agreed would be attached and incorporated in to their method of operation on their OP license and the stipulations are as follows:

1. Premises will be advertised and advertised and operated as a full service restaurant.
2. Will operate with hours of operation from 9:00 a.m. to 12:00 a.m. Sunday through Wednesday and from 9:00 a.m. to 1:00 a.m. Thursday through Saturday.
3. Music will be quiet, background level only and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
4. All existing stipulations will remain in place.
5. Will close all doors and windows by 10:00 p.m. every night.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of an OP license to **Layla Tov Inc., d/b/a Westville, 333 Hudson St. 10014** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” for an OP License.

Vote: Unanimous, with 46 Board members in favor.

David Gruber, *Chair*  
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Dear Sir/Madam:

At its Full Board meeting on October 23, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **3. Tourbillion45 LLC, d/b/a TBD, 234 Spring St. 10013** (New OP, previously unlicensed location)

**Whereas**, this application is for an OP license for a full service Italian American restaurant in a 15 story commercial building, located at the corner of Spring Street and Sixth Avenue for a 2414 sq. ft. storefront premise with one entrance/exit, a full service kitchen, two bathrooms, there are 29 tables with 80 seats, 1 full service bar with 12 seats for an occupancy of 92; there is no sidewalk café and no backyard use; and,

**Whereas**, the premises is located in M1-6 Zone, was previously operated for retail purposes and has never operated as an eating and drinking establishment; and

**Whereas**, the applicants agreed to not open and/or operate the premises without first obtaining a proper certificate of occupancy to use the premises for eating and drinking; and

**Whereas**, the applicants have previous experience operating another Restaurant with a similar method of operation on E. Houston Street (Estella); and

**Whereas**, the hours of operation are Sunday to Wednesday from 7:30 a.m. to 1:00 a.m. and Thursday through Saturday from 7:30 a.m. to 2:00 a.m.; this will be a full service restaurant; music will be background only, there will be no d.j. or live music, there will be no scheduled performances or events with a cover charge; and,

**Whereas**, the applicant executed a stipulations agreement with CB2 Man. that they agreed would be attached and incorporated in to their method of operation on their OP license and the stipulations are as follows:

1. Premises will be advertised and operated as a full service restaurant with a full service kitchen and never as a bar or sports bar with multiple TVs.
2. Will operate with hours of operation from 7:30 a.m. to 1:00 a.m. and Thursday through Saturday from 7:30 a.m. to 2:00 a.m.
3. There will be no TVs.
4. There will be only be one stand up bar with 12 seats.
5. Kitchen will remain open until ½ hour prior to closing.
6. Will not operate without a proper certificate of occupancy permitting use/occupancy, special permit or otherwise.
7. Music will be quiet, background level only and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
8. Will not install operable windows that open out to sidewalk or otherwise.
9. Will close all doors and windows at all times.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of an OP license to **Tourbillion45 LLC, d/b/a TBD, 234 Spring St. 10013** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" for an OP License.

Vote: Unanimous, with 46 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
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Dear Sir/Madam:

At its Full Board meeting on October 23, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**4. Brothers Harvey LLC d/b/a Reservoir, 70 University Pl. 10003** (transfer lic. # 102448, exp. 10/31/2015)

**Whereas**, this application is for a transfer of an existing OP license operating as a Sports Bar and Tavern operating within a 5 story mixed use building located on University Place in a 2000 sq. ft. storefront premise with one entrance/exit, two bathrooms, there are 19 tables with 59 seats, 1 full service bar with 12 seats for an occupancy of 74; there is no sidewalk café and no backyard use; and,

**Whereas**, the current method of operation will not be changed with 12 TVs, the location was previously soundproofed and the hours of operation will continue to be from 11 a.m. to 4:00 a.m. seven days a week, there is a jukebox but music will be background (quiet) and there will be no d.j. or live music, there will be no scheduled performances or events with a cover charge; and,

**Whereas**, the applicant executed a stipulations agreement with CB2 Man. that they agreed would be attached and incorporated in to their method of operation on their OP license and the stipulations are as follows:

1. Premises will be advertised and operated as a bar/tavern showing sports with multiple TVs.
2. Will operate with hours of operation from 11:00 a.m. to 4 a.m. seven days a week.
3. Music will be quiet, background level only and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
4. Food will be served at all times.
5. Will not install French doors or windows that open out to sidewalk or otherwise.
6. Will close all doors and windows at all times.
7. Will employ security on Thursday, Friday and Saturday nights until closing.
8. Will not allow lines to form on the sidewalk in front of premises for patrons to enter.

9. All stipulations agreed to with University Place Resident's Association are incorporated into stipulations agreed to with CB2 Manhattan.
10. Patron occupancy will never exceed 74 persons.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of an OP license to **An Entity to be formed by Louis Fugazy and Dan Harvey, 70 University Pl. 10003** unless the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" for an OP License.

Vote: Passed, with 45 Board members in favor, and 1 in abstention (S. Tyree).



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Dear Sir/Madam:

At its Full Board meeting on October 23, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**THE FOLLOWING ARE RESOLUTIONS FOR ALL APPLICANTS THAT WERE LAID OVER, WITHDRAWN, OR DID NOT APPEAR BEFORE THEIR REQUESTED HEARING:**

**5. Tango House, Inc./Colonnades Restaurant Associates, Ltd. d/b/a Malbec Restaurant & Bar/Tango House, 428 Lafayette St. 10013 (transfer of license)**

**Whereas**, at this month's CB2 SLA Licensing Committee meeting on October 7, 2014, the applicant failed to appear and thereafter the applicant's attorney requested to lay over this application from consideration until November/2014 so that it can appear and present its application and all the necessary paperwork for review;

**Whereas**, this application is for a Transfer of an existing OP license to a new operator/licensee;

**THEREFORE BE IT RESOLVED** that CB2 Man. strongly recommends that the SLA deny any proposed alteration, corporate change or transfer of the Beer and Wine or On Premise license for **Tango House, Inc./Colonnades Restaurant Associates, Ltd. d/b/a Malbec Restaurant & Bar/Tango House, 428 Lafayette St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard; and,

Vote: Unanimous, with 46 Board members in favor.

David Gruber, *Chair*  
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Dear Sir/Madam:

At its Full Board meeting on October 23, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**6. L'Atre Enterprises, Inc., d/b/a L'aile Ou La Cuisse, 314 Bleecker St. 10014** (attorney requested layover to November/2014)

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on October 7, 2014, the applicant and his attorney requested to lay over this application from consideration until the application and all necessary paperwork was ready for review; and,

**Whereas**, this application is for a corporate change or transfer of an existing OP license; and,

**THEREFORE BE IT RESOLVED** that CB2 Man. strongly recommends that the SLA deny any proposed corporate change or transfer of an OP license to **L'Atre Enterprises, Inc., d/b/a L'aile Ou La Cuisse, 314 Bleecker St. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 46 Board members in favor.

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Dear Sir/Madam:

At its Full Board meeting on October 23, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**7. Afran Management Co., LLC, d/b/a Manousheh, 193 Bleecker St. 10012** (Request for layover by applicant prior to meeting)

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on October 7, 2014, the principal requested to lay over this application from consideration until an application and all necessary paperwork was ready for review; and,

**Whereas**, this application is for a Beer/Wine or On-Premise liquor license;

**THEREFORE BE IT RESOLVED** that CB2 Man. strongly recommends that the SLA deny any proposed alteration to the Beer and Wine or On Premise license to **Afran Management Co., LLC, d/b/a Manousheh, 193 Bleecker St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 46 Board members in favor.

David Gruber, *Chair*  
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Dear Sir/Madam:

At its Full Board meeting on October 23, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **8. Oyster City, 240 Mulberry St. 10012** (withdrawn by attorney)

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on October 7, 2014, the principal requested to withdraw this application from consideration; and,

**Whereas**, this application was for an On-Premise liquor license;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any proposed On Premise license to **Oyster City, 240 Mulberry St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 46 Board members in favor.

David Gruber, *Chair*  
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Dear Sir/Madam:

At its Full Board meeting on October 23, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**9. 200 MB Corp. d/b/a t/b/a, 82 West 3<sup>rd</sup> St. 10012** (attorney and applicant requested layover)

**Whereas**, at this month's CB2 SLA Licensing Committee meeting on October 7, 2014, the principal's attorney requested to layover and adjourn the instant application from consideration until an application and all necessary paperwork was ready for review; and,

**Whereas**, this application is for a new On-Premise liquor license;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any proposed On Premise license to **200 MB Corp. d/b/a t/b/a, 82 West 3<sup>rd</sup> St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 46 Board members in favor.

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Dear Sir/Madam:

At its Full Board meeting on October 23, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**10. Oppa Corp., 162 West 4<sup>th</sup> St. 10015** (applicant failed to appear)

**Whereas**, the applicant failed to appear at this month's CB2 SLA Licensing Committee meeting on October 7, 2014 and/or notify CB2 to adjourn to layover it's presentation;

**Whereas**, this application is for a new On-Premise liquor license;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any proposed OP license to **Oppa Corp., 162 West 4<sup>th</sup> St. 10015** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 46 Board members in favor.

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Dear Sir/Madam:

At its Full Board meeting on October 23, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **11. Quintoquarto, Inc. d/b/a Abbottega, 14-16 Bedford St. 10014 (OP Corporate Change-SN#1214646)**

**Whereas**, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a "corporate change" for an existing Restaurant On-Premise Liquor License (SN#1214646); the new principals will now be Tommy Empire LLC, Carlo Zuffetti, Francesco Zuffetti and David Ranucci; the premises will continue to be a restaurant that focuses on high end Italian cuisine; and,

**Whereas**, this application is for a "corporate change" as described above for an existing high end Italian restaurant in a mixed use building located on Bedford St. between 6<sup>th</sup> Avenue and Downing Street for a currently licensed location on the ground floor with 15 tables with 40 table seats and 1 standup bar with 2 seats, for a grand total of 42 seats; the maximum occupancy as stated by the applicant is 74 people, there is a "letter of no objection" from the NYC Department of Buildings, the premises is located within a residentially zoned (R6) block and lot with no commercial overlay, the applicant states this is a "grandfathered" location for use as a commercial space, use group 6 on the ground floor, there is no sidewalk café and no backyard or outdoor areas in use or part of this application; and,

**Whereas**, the hours of operation will be Sunday from 12 PM to 11 PM, Monday closed, Tuesday through Saturday from 12 PM to 12 AM, no patrons will remain in the premises after closing, music will continue to be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there is existing soundproofing, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, a qualified representative of the new principals has executed a stipulations agreement with CB2 Man. that they agreed will be attached and incorporated in to the “existing” method of operation for the current Restaurant On-Premise Liquor License for Quintoquarto, Inc. d/b/a Abbottega, SN1214646, stating that:

1. Premises will be advertised and operated as a full service high-end Italian restaurant.
2. Hours of operation will be Sunday from 12 PM to 11 PM, Monday closed, Tuesday through Saturday from 12 PM to 12 AM. No patrons will remain in the premises after closing.
3. Premises will not operate as a nightclub or disco.
4. Premises will not seek a New York City Department of Consumer Affairs Cabaret License
5. There will be no sidewalk café.
6. All windows and French doors will remain closed at all times except for ingress and egress.
7. There will be no DJs, no live music, no promoted events, no scheduled performances and no event at which a cover fee is charged.
8. Music will be quiet ambient background music only.
9. There’ll be no televisions.
10. Patrons will not use the rear yard garden ever.
11. Patrons will be discouraged from smoking in front of residential windows and the sidewalk will be actively managed so that patrons do not block sidewalk or street.
12. Any sidewalk furniture including benches if allowed will be removed at 6 PM every day with no exceptions.

**Whereas**, a petition with small number of signatures from both business operators on Bedford St. and residents was presented in favor; and,

**Whereas**, the new principals agreed to the above noted stipulations which the local neighborhood association, The Bedford Downing Block Association, requested be included as a condition for the corporate change;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a “corporate change” application for the existing Restaurant On Premise Liquor License (SN#1214646) as described above for **Quintoquarto, Inc. d/b/a Abbottega, 14-16 Bedford St. 10014** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 4<sup>th</sup> “whereas” clauses above are incorporated into the “Method of Operation” on the SLA Restaurant On-Premise Liquor License.

Vote: Unanimous, with 46 Board members in favor.



David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

## COMMUNITY BOARD NO. 2, MANHATTAN

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Greenwich Village v Little Italy v SoHo v NoHo v Hudson Square v Chinatown v Gansevoort Market

October 28, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on October 23, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**12. 55 Greenwich Café, Inc. d/b/a Bluestone Lane, 55 Greenwich Ave. 10014 (RW SN1278134–alteration to add sidewalk café seating)**

**Whereas**, the applicant and their attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an alteration application to the Liquor Authority for an existing Restaurant Wine License for a restaurant/café specializing in coffee as presented in literature provided to add a NYC Department of Consumer Affairs Sidewalk Café with 9 tables and 24 chairs as outlined on the seating diagram; and

**Whereas**, this application is for an existing Restaurant Wine License; the premises is in a mixed use commercial/residential building in a mixed use residential district located on the ground floor on the Southeast corner of Greenwich Ave and Perry St. for a roughly 1032 sq. ft. premise (ground floor only) with a diagram indicating 14 tables and 48 seats, one window counter with 8 seats and one bar with 7 seats for a total of 63 interior seats; this alteration application includes adding a recently licensed New York City Department of Consumer Affairs sidewalk café which has 9 tables and 24 Chairs; (there is another outdoor side/backyard area with access from the interior premises but there is no current permit or certificate that permits use of that outdoor side/backyard area for eating and drinking and the applicant has agreed not to use the exterior side/backyard for any purpose until the proper permits and certificates are granted and until he has properly notified and presented to CB2 Man. and the SLA a future alteration application to use this side/backyard outdoor area – CB2 has made no representations that it will make any affirmative recommendations as this is an interior courtyard style space surrounded by residential units); there is an existing certificate of occupancy showing commercial use group 6 which only indicates an occupancy of 10 persons, so a Letter of No Objection should be required from the NYC DOB; and,

**Whereas**, the hours of operation of the interior of the premises are from 8 am to 12 am (midnight) 7 days a week, the sidewalk café will close at 10 pm each night and all tables and chairs will be removed at that time, there are no other outdoor areas included in this application, all doors and windows will be closed by 9 pm daily on the Perry St. side of the premises and at 10 pm on the Greenwich Ave side of the premises, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, the applicant executed an updated stipulations agreement with CB2 Man. that they agreed would be attached and incorporated into the method of operation on the new restaurant wine SLA license stating that:

1. The premises will be advertised and operated as a full service restaurant/cafe with specialty coffee.
2. The hours of operation will be from 8 am to 12 am (midnight) 7 days a week. No patrons will remain in the premises after midnight.
3. Full food menu will be available at all hours until closing.
4. There will be no backyard garden, side yard or rear terrace included in this application.
5. All doors and windows on the Perry St. side of the premises will be closed at 9 pm every night; The Perry St. Door will be for emergency egress only; All doors and windows on the Greenwich Ave side of the premises will be closed at 10 pm every night; doors will not be propped open after those hours.
6. There will be no dj's, no live music, no promoted events, no events for which cover fees are charged, no scheduled performances.
7. There will be no televisions.
8. All music will be ambient/quiet background music only.
9. The current application includes a sidewalk café with 9 tables and 24 Seats as the only outdoor seating; the applicant/licensee will return to CB2, Man to include any other outdoor areas, specifically any rear yard/terrace.
10. The Sidewalk Café will always be set up to plans on file with the New York City Department of Consumer Affairs and specifically will not obstruct the Perry St. side sidewalk walkway.
11. The sidewalk café will close at 10 pm each night and all tables and chairs will be removed at that time.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of the alteration application for the existing restaurant wine license, SN#1278134 for 55 Greenwich Café, Inc. d/b/a Bluestone Lane, 55 Greenwich Ave. 10014 to include the sidewalk café portion of the premises as described above unless the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 4<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the existing SLA Restaurant Wine license.

Vote: Unanimous, with 46 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

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Greenwich Village v Little Italy v SoHo v NoHo v Hudson Square v Chinatown v Gansevoort Market

October 28, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on October 23, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **13. Lost Boy LLC, 33 Bedford St. 10014 (New OP – Previously Unlicensed)**

**Whereas**, the applicant appeared before the CB2's SLA Licensing committee to present an application for a new On Premise liquor license for a "small intimate restaurant with an incredibly focused menu that changes regularly; at Lost Boy, the menu will be redone monthly, allowing one fresh ingredient often seasonally inspired, and celebrate the ingredient through each course"; and,

**Whereas**, the proposed premises is located in residential building on a residentially zoned street in a grandfathered use storefront occupying the ground floor and basement (the basement is accessed via exterior stairs only) between Downing St. and Carmine St., the building is also known as 31-33 Bedford St and 35-39 Downing St, the premises will be approximately 600 sq ft on the ground for patrons, the basement size is unknown but not for patron occupancy; there will be on the ground floor there will be 12 tables and 24 table seats and 1 standup bar with 9 seats for a total of 33 seats, there is no sidewalk café included with this application or rear yard garden; the applicant stated that the maximum occupancy will be 74 or less people, but did not provide a current certificate of occupancy or letter of no objection from the NYC Department of Buildings; and,

**Whereas**, the hours of operation will be Sunday to Wednesday from 6:30 AM to 1 AM and Thursday to Saturday from 6:30 AM to 2 AM, no patrons will remain at closing, music will be ambient quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no dj's, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be private parties; there will be no tv's, soundproofing will be installed in the ceiling and other necessary areas, there are no operable windows, there will be no use of the rear yard garden; and,

**Whereas**, the applicant did meet with local community residents and the local block association, the Bedford Downing Block Association, but was unable to generate support from those residents; and,

**Whereas**, the applicant acknowledged they had looked at two empty storefronts in the immediate area for rent on Carmine St. around the corner that have been previously licensed and have operated as eating and drinking establishments, but that they preferred to pursue this location which has not been previously licensed and is not currently built out for eating and drinking use; and, and

**Whereas**, a number of local residents appeared in opposition and correspondence was received in opposition, including opposition from residents of the building, the local block association, the Bedford Downing Block Association and from several coop buildings including 26 Bedford St.; and

**Whereas**, this storefront is located in a residentially-zoned area and building, with ground floor residential occupancy in the immediate area in a grandfathered location which has never been used for eating and drinking and was most recently an antique store; and,

**Whereas**, there are already 2 licensed premises within the building (1) Food First LLC d/b/a Blue Ribbon Bakery and Café SN1025542 and (2) Little Barque LLC d/b/a Mas SN1146967 and this license would be the 3<sup>rd</sup> license in this one building; and,

Whereas, this storefront is not yet built out and the build out plans include use of the basement of the premises for food prep, dishwashing, storage etc., but the basement is only accessible by exiting to the street and going down exterior stairs, so for example, dirty dishware would be carried outside in bus trays in order to be cleaned and then returned clean to the restaurant by exiting the basement via the sidewalk and returning inside; there are significant concerns that this basement access and need for its highly integrated use with the restaurant on the ground floor would generate significant and unnecessary noise and foot traffic in this residential area, notwithstanding sanitary concerns; and,

**Whereas**, the specific concerns are that (1) the premises is previously unlicensed; (2) there are already two licenses in the building; (3) there are 28 On Premise Liquor Licenses within 500 ft. and approximately 18 Restaurant Wine Licenses within 500 ft.; (4) the immediate area is residentially zoned with no commercial overlay (5) the proliferation of liquor licenses is not in the public interest in a residentially-zoned area (6) the increase in noise on the narrow street and small sidewalk from patrons lingering and smoking would have tremendous impact, particularly later in the evening when drinking uses are more significant (7) there is inadequate parking in the area for transient diners (8) there are already venting issues and mechanical issues with the existing restaurants in the building and no proper plans were presented indicating that these issues would be addressed for the build-out of this location except to say that only electric equipment would be utilized (9) that removing all the dirty glassware, dishware, pots, pans, utensils and other kitchen equipment at the end of the evening and transporting them via the sidewalk in bus trays would generate excessive noise at late hours (10) that the small size of the space is better suited to retail use which would not generate quality of life complaints (11) that there are not yet permits in place for this use and there is no letter of objection indicating that this use is permitted; and (12) the hours of operation are simply too late for a residential community notwithstanding that the expansion in the previously unlicensed location is not supported and most other premises close by midnight which many consider to be late already; and,

**Whereas**, there are approximately 28 On-Premise Liquor Licenses within 500 feet of this location, this location is subject to the “500 Ft Rule” and no exceptions appear to apply and therefore CB2, Man. respectfully requests that a “500 ft.” hearing be conducted and that this resolution be entered into the record;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of an On Premise license for **Lost Boy LLC, 33 Bedford St. 10014.**

Vote: Unanimous, with 46 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

## COMMUNITY BOARD NO. 2, MANHATTAN

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October 28, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on October 23, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **14. Healthy Appetites LLC, d/b/a The Missing Ingredient, 99 Bank St. 10014 (transfer – Restaurant OP)**

**Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a “transfer” of a Restaurant On-Premise Liquor License for “the first 100% gluten-free restaurant in Manhattan”, a detailed mission and concept statement was also provided and will be adhered to; and,

**Whereas**, this application is for a new Restaurant On-Premise Liquor License via a “transfer” application for a currently licensed location located on the northeast corner of Bank St. and Greenwich St. in a residential cooperative building for a restaurant on the ground floor and basement (1,700 sq. ft. ground floor, 1,000 sq. ft. basement), with 25 tables, 76 table seats and 1 standup bar with 11 seats for a total of 87 seats throughout the premises as indicated on provided diagrams; there is an existing certificate of occupancy which indicates patron use of the ground floor; The certificate of occupancy does not yet indicate patron use of basement (20 seats) and the building owner is in the process of amending the C of O; there will not be a sidewalk café and there are no French doors or operable windows; and,

**Whereas**, the applicant clearly stated that the footprint covered by this application and as described in the applicant’s diagrams is exactly the same as the current licensee, The Marrow; and,

**Whereas**, the hours of operation will be Sunday from 11 AM to 12 AM, Monday to Thursday from 12 PM to 12 AM, Friday from 12 PM to 1 AM and Saturday from 11 AM to 1 AM (no patrons shall remain at closing), music will be ambient quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no dj, no

promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; the basement private dining room will only be used after an amended certificate of occupancy is obtained indicating patron dining/eating and drinking use; and,

**Whereas**, the applicant executed a stipulations agreement with CB2, Man. that they agreed would be attached and incorporated in to the method of operation on the new Restaurant On-Premise Liquor License stating that:

1. The premise will be operated and advertised as a 100% gluten-free restaurant.
2. The hours of operation will be Sunday from 11 AM to 12 AM, Monday to Thursday from 12 PM to 12 AM, Friday from 12 PM to 1 AM and Saturday from 11 AM to 1 AM. No patrons shall remain after closing hour.
3. The kitchen will remain open and menu items available until the restaurant closes every night.
4. The premises will not operate as a nightclub, disco or lounge.
5. The premises will not seek a New York City Department of Consumer Affairs Cabaret License.
6. There will be no backyard garden.
7. There will be no sidewalk café.
8. Adequate soundproofing exists throughout the premises.
9. All doors and windows will be closed at 10 PM every night.
10. There will be no DJs, Live music, promoted events, scheduled performances or any event at which a cover is charged.
11. Music will be quiet ambient background music only.
12. There will be no televisions.
13. The Licensee will adhere to all information as presented to CB2, Man. on CB2's application for a liquor license.
14. The basement portion of the promises will have only one table and 20 seats and will be operated as a private dining room only. The basement private dining room will not be utilized until an amended certificate of occupancy is issued by the New York City Department of Buildings indicating that restaurant use is legal in the basement for patron dining.
15. There will be no filming/TV productions on the premises.

**Whereas**, several members of the community appeared to express support including the President of the Cooperative building in which the premises is located and several members of the community appeared to express reservations should the new Licensee expand any aspect of the operation or alter the method of operation beyond a high end full service dining establishment; concerns were also expressed that their was a higher chance of impacts on quality of life issues due to the popularity of the new principals and their affiliation with TV productions, but several of the stipulations seemed to address those concerns;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant On-Premise Liquor License via a "transfer" for **Healthy Appetites LLC, d/b/a The Missing Ingredient, 99 Bank St. 10014** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 5<sup>th</sup> "whereas" clause above are incorporated into the "Method of Operation" on the SLA Restaurant On-Premise Liquor License.

Vote: Unanimous, with 46 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

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Greenwich Village v Little Italy v SoHo v NoHo v Hudson Square v Chinatown v Gansevoort Market

October 28, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on October 23, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **15. S. Management Group, LLC, 641 Hudson St. 10014 (New OP – Previously Unlicensed)**

**Whereas**, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a new Restaurant On-Premise Liquor License for a "high end establishment focused on the highest quality cuisine and service"; and,

**Whereas**, this application is for a new Restaurant On-Premise Liquor License in a previously unlicensed location in a mixed use building on Hudson Street between Gansevoort and Horatio Streets for an approximately 3,300 s.f. premise (2,200 s.f. ground floor and 1,100 s.f. cellar, patrons use on ground floor only) with 15 tables, 42 table seats and 1 standup bars with no seats, there is no sidewalk café included with this application; the applicant stated that the maximum occupancy will be 74 or less people, but did not provide a current certificate of occupancy or letter of no objection from the NYC Department of Buildings; and,

**Whereas**, the hours of operation will be Sunday closed, Monday to Wednesday from 5:30 PM to 1 AM, Thursday to Saturday from 12 PM to 1 AM, no patrons will remain at closing, music will be ambient quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no dj's, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be private parties; there will be no tv's, soundproofing will be installed in the ceiling and other necessary areas, there are no operable windows, there will be no use of the rear yard garden; and,

**Whereas**, the applicant has significant experience in operating high-end restaurants including in Atlanta, Georgia and in Germany, but has not yet operated a restaurant in New York; he indicated that he had been searching for a location in New York for 5 years and the rent in this particular location



was viable for executing his restaurant concept; that building out a restaurant in this previously unlicensed and non-food use location was preferential to other locations which were either mostly too expensive or not in good shape with existing build outs; he also indicated that this location was across the street from a playing field and that due to the number of seats in the premises he would probably not significantly add to noise or traffic; he indicated he would use Miele dishwashers to reduce sound and the kitchen would be in the middle of the space to prevent sound leakage out the front or the rear of the establishment; he also indicated that due to the size of the space and the limitations on number of people that the space was only conducive to high-end dining; and,

**Whereas**, the applicant did meet with local community residents but was unable to generate support from the residents with whom he met; and,

**Whereas**, residents who appeared in opposition stated that they had met with the applicant and his credentials were impressive, but they did not believe that licensing this location was in the public interest because: **(1)** the premises has not previously been licensed or used for any food uses; **(2)** there are already 28 licensed on-premise liquor licenses within 500 ft.; **(3)** that this location can sustain other non-food and non-beverage based businesses such as retail which is beginning to repopulate this area and which does not have quality of life impacts; **(4)** that retail uses would more directly serve the needs of the surrounding residential area and provide a public benefit over a new high-end restaurant which would have difficult surviving in this area already populated by high end restaurants but would result in a location forever converted to eating and drinking use; **(5)** the price point of this restaurant would serve tourists and visitors and not local residents; **(6)** that adding any more eating and drinking uses and seats to this area immediately adjacent to the MeatPacking District which is around the corner no matter how seemingly benign would simply further add to the overwhelming quality of life issues in the area including increasing the noise in the area, vehicular traffic, later night impacts especially because the location is previously unlicensed; and,

**Whereas**, the applicant presented a petition in support, but there were questions raised regarding some signatures and testimony was provided that there were some signers who changed their minds and there was at least one signature that was not signed by the person identified as the signatory; and

**Whereas**, there are approximately 28 On-Premise Liquor Licenses within 500 feet of this location, many of which are large multi-floor venues in the MeatPacking District and this location is subject to the “500 Ft Rule” and no exceptions appear to apply and therefore CB2, Man. respectfully requests that a “500 ft.” hearing be conducted and that this resolution be entered into the record;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of an On Premise license for **S. Management Group, LLC, 641 Hudson St. 10014.**

Vote: Passed, with 39 Board members in favor, 6 in opposition (D. Ballen, T. Connor, M. Derr, A. Meadows, R. Sanz, A. Schwartz) and 1 in abstention (A. Hearn.)

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

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October 28, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on October 23, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **16. Sugar Factory American Brasserie Meatpacking LLC, d/b/a Sugar Factory, 1-3-5 Little West 12th St. 10014 (New OP – Previously Unlicensed)**

**Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new Restaurant On-Premise Liquor License for an “American Brasserie featuring full meals as well as delectable sweets and desserts reasonably pried and served in a warm and convivial atmosphere”; and,

**Whereas**, this application is for a new Restaurant On-Premise Liquor License in a previously-unlicensed location in a commercial building on Little West 12<sup>th</sup> between 9th Avenue and Hudson Street for an approximately 5,000 s.f. premise (3000 s.f. ground floor and 2,000 s.f. cellar, patrons use on both floors) with 40 tables, 107 table seats and 2 standup bars with 20 bar seats on both floors for a grand total of 127 seats on the interior, there will also be an application for a sidewalk café with 6 tables and 14 seats; the applicant stated that the maximum occupancy is 140 persons, but did not provide a current certificate of occupancy showing the maximum occupancy or that this is allowable use; and,

**Whereas**, the hours of operation will be Sunday to Wednesday from 11 AM to 1:30 AM and from Thursday to Saturday from 11 AM to 3 AM, music will be ambient quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no dj’s, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be private parties; there will be no tv’s but there may be up to 3 “promotional monitors”, there is existing soundproofing; and,

**Whereas,** the premises will be divided into three areas, a retail candy store area adjacent to the entrance and two dining areas, one on each floor with a standup bar in each area; and,

**Whereas,** over the past several years there have been previous license applications at this location, no actual license has ever been issued, the location has never operated as a restaurant and no final certificate of occupancy has ever been issued and CB2, Man. most recently recommended denial to the last applicant at this location; and,

**Whereas,** this restaurant concept and premises name is currently in operation just one block away at 46 Gansevoort St. under the name Le Gans Restaurant, Inc. d/b/a Sugar Factory, SN1025594; Charissa Davidovici and Thomas Racine listed as principals in this application are also believed to be principals in Le Gans Restaurant Inc. via Summer Flower LLC and it is unclear whether Brian Gold a principal in Le Gans Restaurant Inc. is also a principal or associated with this application; and

**Whereas,** the currently operating Le Gans Restaurant Inc. d/b/a Sugar Factory at 46 Gansevoort St. has generated significant community complaints and is believed to have an adverse licensing history with the Liquor Authority and was recently disapproved before the Full Board of the Liquor Authority for an alteration application to serve alcohol within their sidewalk café; and,

**Whereas,** a new principal included in this application who is not currently affiliated with Le Gans Restaurant, Inc. was previously affiliated with Le Gans Restaurant, Inc. in the past; and,

**Whereas,** the applicant reached out to and met with local residents but was unable to garner community support for this application and concept and in particular for this previously unlicensed location; and,

**Whereas,** the applicant explained that they were looking to move the “Sugar Factory” restaurant to this location because it is larger and can accommodate many more patrons, including a holding area on the interior, and because there is currently a 3 month waiting list for reservations among other reasons; and

**Whereas,** a number of local residents appeared in opposition and written correspondence was received in opposition indicating concerns outlined below; and,

**Whereas,** concerns specific to this applicant include: the concern that there are residential tenants directly across the street; the concern that moving a tourist focused destination to a previously unlicensed location in a densely saturated area creates no public benefit; the concern that the problems with the existing “Sugar Factory” one block away will simply move to this location and occur on a larger scale, specifically larger loitering crowds, a significant increase in vehicular traffic, problems with an increase in the number of large groups which this concept attracts i.e. bachelorette parties etc. who arrive and leave en masse and create quality of life issues; the concern that approving this application would be rewarding behavior at the previous location which included continuing unlicensed alcohol service in an unapproved sidewalk café and lack of concern for residential neighbors and the impacts of quality of life issues created by this operation; the concern that this location is sandwiched between two nightlife venues, Bagatelle and Provocateur, both of which have received a significant number of complaints over the years in regards to stipulation violations and quality of life issues (Bagatelle has improved); the concern that simply adding one more new establishment of this size will only serve to reduce quality of life in this area by adding to an already untenable situation; and,

**Whereas**, there were specific concerns regarding the nature of the large multi person cocktails served and overconsumption by patrons; and,

**Whereas**, there are also concerns with licensing another establishment in the meat packing district of this size; the meat packing district is widely understood and has been demonstrated repeatedly to be oversaturated with many licenses (many for multi-floor premises with high occupancy); there is an existing vehicular traffic problem which is acknowledged by New York City's Department of Transportation (which is in the midst of a long running traffic evaluation of the area in response to the overwhelming vehicular traffic which extends into the adjoining residential communities whose streets are not equipped to handle the type of evening vehicle volume which descends on this area during peak dining hours and later into the evening through 4 a.m. as a result of the limited entry ways into the Meat Packing District); there is an acknowledged very high volume of pedestrian traffic through the course of the evening and into the early morning hours in the larger area including residential areas due to the high number of patrons who frequent this area and as a result of a lack of adjoining public transportation options and the corresponding lack of for hire vehicles willing to transit this high traffic area; the number of existing licensed venues, vehicles, traffic congestion and pedestrians all have a direct impact on the existing noise level in the area which directly impacts the quality of life of area residences in a significant manner; and there is a wide belief among local residents that licensing any additional premises in the area would not meet the public interest standard, in particular this operation which currently exists certainly does not meet the standard; and,

**Whereas**, there are approximately 30 On-Premise Liquor Licenses within 500 feet of this location and this location is subject to the "500 Ft Rule" and no exceptions appear to apply and CB2, Man. respectfully requests that a "500 ft." hearing be conducted;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of an On Premise license for **Sugar Factory American Brasserie Meatpacking LLC, d/b/a Sugar Factory, 1-3-5 Little West 12th St. 10014.**

Vote: Unanimous, with 46 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

## COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE  
NEW YORK, NY 10012-1899

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Greenwich Village ∨ Little Italy ∨ SoHo ∨ NoHo ∨ Hudson Square ∨ Chinatown ∨ Gansevoort Market

October 28, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on October 23, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **17. Down and Dirty Tacos and Tequila Bar Meatpacking LLC, d/b/a Down and Dirty Tacos and Tequila Bar, 835 Washington St. 10014 (New OP Restaurant Liquor)**

**Whereas**, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a new Restaurant On-Premise Liquor License for a "neighborhood restaurant specializing in authentic Mexican street food catering to families, couples and authentic food lovers serving regional specialties in a warm atmosphere"; and

**Whereas**, this application is for a new Restaurant On-Premise Liquor License in a previously licensed location located on the northeast corner of Washington St. and Little West 12<sup>th</sup> Street in a 2-story commercial building on the basement, ground floor and second floor with patron use on each floor, the premises is stated to be approximately 6,000 sq. ft. (approx. 2,000 sq. ft. per floor), with 46 tables and 144 seats throughout the premises, 3 stand up bars with 37 seats and an additional 4 seats located on the ground floor at a taco counter all as indicated on the provided seating diagram; there is an expired temporary certificate of occupancy which will be renewed and always kept current while the premises is in operation which indicates a maximum occupancy of 102 persons in the basement, 100 persons on the ground floor and 120 people on the second floor for a maximum occupancy of 322 persons; there will be NYC Department of Consumer Affairs licensed sidewalk café limited to no more than 20 tables and 40 seats, the sidewalk café will close no later than 12am 7 days a week and all tables and chairs will be removed at 12am 7 days a week; and,

**Whereas**, the hours of operation will be Sunday to Wednesday from 11 AM to 1 AM and from Thursday to Saturday from 11 AM to 2 AM (no patrons shall remain at closing), music will be ambient quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music) on the ground floor and second floor, there may be a d.j. in the basement

only used for private parties only, there will be no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; the basement will be a high-end restaurant variation of the premises restaurant theme, the ground floor will be a taqueria and dining room and the second floor will have games such as skeeball, pinball and snacks and a more casual food service; and,

**Whereas**, the applicant executed a stipulations agreement with CB2 that they agreed would be attached and incorporated in to the method of operation on the new Restaurant On-Premise Liquor License stating that:

1. The premises will be advertised and operated as a neighborhood restaurant specializing in casual Mexican street food for families and food lovers. It will be operated as a full service restaurant with the kitchen open and food available until closing every night. The basement will be a high end restaurant variation of the food theme.
2. The hours of operation will be Sunday to Wednesday from 11 AM to 1 AM and from Thursday to Saturday from 11 AM to 2 AM. No patrons will remain at closing time.
3. The premises will not be operated as a nightclub or disco as defined under New York State alcohol beverage consumption law guidelines or in any other common definition.
4. The premises will not seek a New York City Department of Consumer Affairs Cabaret License.
5. There will be no backyard garden.
6. There is sufficient existing soundproofing according to the operator.
7. All doors and windows will be closed at 10 PM every night.
8. There'll be no live music, promoted events, scheduled performances, or any events at which a cover fees charged.
9. There will be a disc jockey in the basement only for private parties only.
10. Games such a scheme all in videogames to be on the second floor only.

The ground floor and second-floor Will have quiet ambient background music only there will be no DJ on the ground floor or second floor.

The basement will not be operated as a lounge. It will be a full-service restaurant.

There'll be no use of the rooftop for patrons.

There will be no patron lines outside the premises.

If it becomes necessary the operator will address trash from take-out food in the vicinity of the premises.

The sidewalk café will be limited to no more than 20 tables and 40 seats.

The operator will operate the sidewalk café no later than 12 AM midnight seven days a week. At closing time (no later than midnight), all tables and chairs will be removed.

**Whereas**, the applicant reached out to local residents, several of whom also appeared at the presentation and spoke, and CB2, Man. received correspondence expressing concerns regarding late night operation and other concerns which are familiar to the SLA and CB2 Man. in regards to existing conditions in the Meatpacking area as they relate to quality of life issues, crime, traffic, noise, congestion and requested as part of their method of operation the operator reduce there operating hours, which they agreed to as indicated above and they also reduced the maximum number of tables and chairs that they would have in their sidewalk cafe;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant On-Premise Liquor License for **Down and Dirty Tacos and Tequila Bar Meatpacking LLC, d/b/a Down and Dirty Tacos and Tequila Bar, 835 Washington St. 10014 (New OP) unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 4<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA Restaurant On-Premise Liquor License.

**Vote: Passed, with 45 Board members in favor, and 1 in opposition (S. Tyree).**

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

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October 28, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on October 23, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **THE FOLLOWING ARE RESOLUTIONS FOR ALL APPLICANTS THAT WERE LAID OVER, WITHDRAWN, OR WHO DID NOT APPEAR BEFORE CB2 AS REQUESTED:**

#### **18. O Café on 6th LLC, 482 6th Ave. 10011**

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on October 10th, 2014, the applicant's attorney requested to layover this application for a new tavern wine license in order to (1) return with the principal on the license, (2) to have additional time to present complete plans including how the premises will comply with the SLA requirements for a having a bathroom for patrons as the existing bathroom is not accessible to patrons as it is only accessible by walking through the kitchen which does not satisfy NYC regulations for a patron bathroom and (3) to present a new floor diagram which includes a proposed new passageway to be constructed which would change the kitchen layout and counter area and provide patron access to the existing bathroom in a manner which would allow patrons to use the bathroom in compliance with NYC regulations;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, tavern wine license, restaurant wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for O Café on 6th LLC, 482 6th Ave. 10011 until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 46 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
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October 28, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on October 23, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **19. Mirtos Restaurant Inc., d/b/a Village Den Restaurant, 225 West 12th St. 10011**

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on October 10th, 2014, the applicant requested to **layover** this application for a new restaurant wine license in order to return with a completed CB2 Questionnaire and application packet, including 10 copies for members of the committee as requested, and to perform community outreach;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, restaurant wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Mirtos Restaurant Inc., d/b/a Village Den Restaurant, 225 West 12th St. 10011** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 46 Board members in favor.



David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

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October 28, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on October 23, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **20. Blue LLC, d/b/a TBD, 101 Perry St. aka 552-558 Hudson St.10012**

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on October 10th, 2014, the applicant's attorney requested to layover this application for a new restaurant on-premise liquor license in order to properly perform community outreach and to provided adequate notice using the accurate address for the store front location (on Hudson St.) to be licensed (not the address for the residential entrance to the building located on Perry Street);

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, tavern wine license, restaurant wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Blue LLC, d/b/a TBD, 101 Perry St. aka 552-558 Hudson St.10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 46 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
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October 28, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on October 23, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **21. BGH Dining, Inc. d/b/a Shuka Dining Bar, 24 Greenwich Ave. 10011 (RW)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on October 10th, 2014, the applicant's attorney requested to **layover** this application for a new restaurant wine license or corporate change for an existing license at this location and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **BGH Dining, Inc. d/b/a Shuka Dining Bar, 24 Greenwich Ave. 10011** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 46 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
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October 28, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on October 23, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **22. 5 Ninth Avenue, LLC, 5 Ninth Avenue 10014 (Layover)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on October 10th, 2014, the applicant's attorney requested to **layover** this application for a new on-premise liquor license at this location and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **5 Ninth Avenue, LLC, 5 Ninth Avenue 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 46 Board members in favor.

Please advise us of any decision or action taken in response to this resolution.

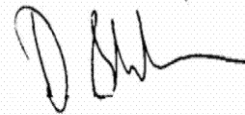
Sincerely,



Robert Ely, Co-Chair  
SLA Licensing Committee  
Community Board #2, Manhattan



Carter Booth Co- Chair  
SLA Licensing Committee  
Community Board #2, Manhattan



David Gruber, Chair  
Community Board #2, Manhattan

DG/EM

cc: Hon. Jerrold L. Nadler, Congressman  
Hon. Nydia Velasquez, Congresswoman  
Hon. Sheldon Silver, NY State Assembly Speaker  
Hon. Deborah J. Glick, NY State Assembly Member  
Hon. Brad Hoylman, NY State Senator  
Hon. Daniel L. Squadron, NY State Senator  
Hon. Gale Brewer, Man. Borough President  
Hon. Corey Johnson, Council Member  
Hon. Margaret Chin, Council Member  
Hon. Rosie Mendez, Council Member  
CAU  
Kerri O'Brien, Deputy Commissioner of Licensing NY State Liquor Authority  
Michael Jones, Deputy Chief Executive Officer, NY State Liquor Authority  
SLA Examiners

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

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October 27, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on October 23, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**1. G.D.P Enterprises, Inc. d/b/a Agozar Restaurant, 324 Bowery 10012 (Renewal of Existing OP, Lic. #1132656)**

**Whereas**, this application is for a renewal of an existing OP license for a full service family restaurant serving Cuban and Spanish Tapas in a 4-story mixed-use building, located on Bowery between Bleecker and Bond Streets in a 1500 sq. ft. storefront premise with a full service kitchen, one entrance and two exits, a full service kitchen, two bathrooms, there are 25 interior tables with 50 interior seats, 1 full service bar with 15 seats for an total interior permitted occupancy of 74; there is an existing sidewalk café with 4 exterior tables and 9 exterior seats and there is no back yard use; and,

**Whereas**, the license has been operating with a live DJ on Friday and Saturday nights until 3:00 a.m. inconsistent with its stated method of operation as a “family friendly restaurant” and the operator conceded to CB2 Man. that he is not present at the premises during these nights when the entertainment level music is being played; and,

**Whereas**, there have been complaints to CB2 Man. that the operator has been leaving its double doors open to the sidewalk when loud entertainment level music is being played; and,

**Whereas**, the operator agreed to stop the use of the DJ and entertainment level music on the weekends and further agreed to background, quiet music only at all times while also closing its doors/windows at 9:00 p.m. every night; and,

**Whereas**, the applicant executed a stipulations agreement with CB2 Man. that they agreed would be attached and incorporated in to their method of operation on their OP license and the stipulations are as follows:

1. Premises will be advertised and operated as a full service restaurant specializing in Cuban and Spanish Tapas.
2. Will operate with hours of operation on Sundays from 11:30 a.m. to 9:00 p.m., Monday through Wednesday from 12:00 p.m. to 11:00 p.m., Thursday from 12:00 p.m. to 12:00 a.m., Friday from 12:00 p.m. to 1:00 a.m. and Saturdays from 11:30 a.m. to 3:00 a.m.
3. Music will be quiet, background level only and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged; with the exception of the nights of Halloween, New Year's Eve and Cinco de Mayo.
4. Will remove all tables and chairs at closing time of the Sidewalk Cafe.
5. The Sidewalk Café will close at 9:00 p.m. on Sundays, 10:00 p.m. from Monday through Thursday and 11:00 p.m. Fridays and Saturdays.
6. Will close all doors and windows by 9:00 p.m. every evening.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of the renewal for OP license to **G.D.P Enterprises, Inc. d/b/a Agozar Restaurant, 324 Bowery 10012** unless the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" for an OP License.

Vote: Passed, with 45 Board members in favor, and 1 in opposition (D. Diether).

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

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October 27, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on October 23, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**2. St. Helene, LLC, d/b/a Chez Sardine, 183 W. 10<sup>th</sup> St. 10014** (Renewal of Existing OP lic. #1265091)

**Whereas**, this application is for a renewal of an existing OP license in a ground floor corner storefront of a six-story mixed use building in a historic district at the West 4<sup>th</sup> and West 10<sup>th</sup> Streets in a 650 sq. ft. space with floor to ceiling doors throughout the storefront's exterior façade that open out to the sidewalk; and,

**Whereas**, the licensee first appeared before CB2 Man.'s SLA Committee in July/2012 for an OP License at these premises, he described his method of operation as an Izakaya Japanese Bistro family friendly restaurant combing cooked elements and raw fish, small bites in a causal atmosphere in a 35-seat restaurant; and

**Whereas**, the licensee operated his restaurant as "Chez Sardine" with hours of operation from Monday through Thursday from 5:00 p.m. to 12:00 a.m., Fridays from 5:00 p.m. to 1:00 a.m., Saturdays from 11:00 a.m. to 1:00 a.m. and Sundays from 11:00 a.m. to 11:00 a.m.; and,

**Whereas**, the licensee reappeared before CB2 Man.'s SLA Committee in June/2014 for an alteration to increase it hours of operation, to remove a sushi bar, extend its existing bar and reconfigure its interior seating to create two additional seats for patrons to increase revenue for his business; and,

**Whereas**, the licensee's application and paperwork submitted described the premises in an identical manner as it was described in 2012 and that the premises would continue to operate as a full service restaurant using the name "Chez Sardine"; and,

**Whereas**, thereafter when the licensee reopened the premises following its alterations, it was no longer operating under the name “Chez Sardine” and instead was being operated and advertised on its own website as “Bar Sardine”, “a West Village corner bar” that is “serious about food and crazy about drinks.” “Open from noon on each day, Bar Sardine has the drop-in-anytime accessibility and friendly hospitality of a classic neighborhood bar while its thoughtful approach to food and drink give it the trappings of a modern cocktail destination. The menu, created by Chef Mehdi Brunet-Benkritly (Fedora, Chez Sardine) features our take on bar snacks with a creative bent and seasonal influence, from a killer burger to salads and lighter snacks. The cocktails are created by our Director of Bar Operations Brian Bartels with his signature combination of playfulness and skill. Our carefully thought-out wine and beer lists round our offerings. We’re a casual neighborhood bar, so just stop in seven days a week, whether it's for lunch, an afternoon break, post-work drink or a night out with friends”; and

**Whereas**, the licensee also installed a TV at its full service bar and further advertised/promoted “Football at Bar Sardine” with “drink specials during the games” on Saturdays, Sundays and Monday nights there are 10 items on the food menu (plus oysters and a cheese plate) with 10 cocktails and an extensive beer and wine listing; and

**Whereas**, Bar Sardine’s own Twitter posting of September 17, 2014 stated “We may be a new kid on the block, but thanks to Food and Wine, we made the cut for FW Best Bars”; and

**Whereas**, the licensee never indicated to CB2 Man’s SLA Committee when he presented his application in June/2014 for an alteration of his existing OP license that he had any intention of changing the name of the establishment or creating a neighborhood bar; and,

**Whereas**, CB2 Man.’s June/2014 resolution reflects the licensee’s statements, submitted application and paperwork to CB2 Man.’s SLA Committee as follows:

*Whereas, there will now be 4 tables and 8 seats, 1 bar with 13 seats and 15 counter seats for a total of 36 seats, a net increase of 2 seats in the new configuration; and,*

*Whereas, the new hours of operation will be Sunday to Tuesday from 12 pm to 12 am (midnight) and Wednesday to Saturday from 12 pm to 2 am, the establishment will be continue to be a Izakaya, a Japanese Bistro, combining cooked elements and raw fish, small bites and will continue to be a family friendly casual atmosphere, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no DJ, no promoted events, there may be occasional private parties; and,*

*Whereas, the principals are principals in a number of other establishments, including John Dory LLC dba Market Table, Happy Cooking LLC dba Joseph Leonard, Little Wisco LLC dba Fedora, Penmanship LLC dba Jeffrey’s Grocery, and George Marcel LLC dba Perla which are located within CB2 Manhattan; and,*

*Whereas, the applicant executed a new stipulations agreement with CB2, Manhattan that he agreed would be attached and incorporated in to the new method of operation on the existing SLA license (SN1265091) stating that:*



1. *The premises will be advertised and operated as a Japanese Bistro.*
2. *The hours of operation will be Sunday to Tuesday from 12 pm to 12 am (midnight) and Wednesday to Saturday from 12 pm to 2 am. No patrons will remain at closing.*
3. *The kitchen will remain open with full service until closing.*
4. *There will be no rear yard garden.*
5. *There is no sidewalk café.*
6. *All doors and windows will be closed at 9 pm seven days a week except for ingress and egress.*
7. *There will be no dj's, no live music, no promoted events, no events for which cover fees are charged, no scheduled performances.*
8. *Music will be quiet background only.*

***THEREFORE BE IT RESOLVED*** that CB2, Man. recommends **denial** to the alteration of the existing on-premise liquor license for **St. Helene LLC, d/b/a Chez Sardine, 183 W. 10<sup>th</sup> St aka 233 W. 4<sup>th</sup> St. 10014 (SN1265091)** **unless** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 7<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

***Vote: Passed, with 37 Board members in favor, and 1 in opposition (S. Aaron).***

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** for **St. Helene, LLC, d/b/a Chez Sardine, 183 W. 10<sup>th</sup> St. 10014** on its application seeking a renewal of its OP license.

Vote: Passed, with 31 Board members in favor, 10 in opposition (T. Connor, R. Caccapolo, M. Derr, A. Hearn, J. Kiely, A. Meadows, R. Sanz, A. Schwartz, M. Schott, R. Stewart), 4 in abstention (T. Bergman, H. Campbell, S. Russo, F. Sigel) and 1 recusal (S. Aaron).

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

## COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE  
NEW YORK, NY 10012-1899

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Greenwich Village v Little Italy v SoHo v NoHo v Hudson Square v Chinatown v Gansevoort Market

October 27, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on October 23, 2014, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

**3. 406 Broome St. Rest., Inc. d/b/a Brinkley's, 406 Broome St., 10013** (Renewal of Existing OP lic. #1172868)

**Whereas**, the Licensee appeared before CB2 Man. without the required CB2 Man. application information or supporting documents; and,

**Whereas**, the Licensee operates two separate businesses with two separate and distinct addresses and with two separate and distinct methods of operation; the first business located at 406 Broome Street which operates as a 2500 sq. ft. restaurant on the ground floor called Brinkley's and the second located at 2 Cleveland Place operating as a 2000 sq. ft. night club cabaret operated and advertised as Southside in the basement; and,

**Whereas**, when the licensee first appeared before CB2 Man. in October/2005 it failed to disclose the nightclub operation in the basement (from 11:00 p.m. to 4:00 a.m. Wednesday through Saturday with a separate entrance on Cleveland Place) but instead represented itself as a full service restaurant with 210 table seats, with two service bars and only one entrance located at 406 Broome Street; and,

**Whereas**, in 2012 this License came up for renewal, community residents voiced their frustrations about the nightclub operation, that the licensee misled the community from the outset for an establishment that was going to have background music but was thereafter operating as a nightclub, installing a new \$300,000 sound system, advertising and promoting dancing with bottle service of alcohol but without a Cabaret License, creating dangerous overcrowding conditions inside and with throngs of people lining up at night outside on Cleveland Pl., utilizing metal barricades to corral patrons coming in, and other patrons regularly spilling out into the street in the early morning hours, causing unfettered noise disruptive behavior; and,

**Whereas**, CB2 Man. unanimously recommended denial of the license renewal in 2012 triggering the SLA to pursue disciplinary charges against the licensee pursuant to the State Administrative Procedure Act (“SAPA”) that have not been fully resolved; and,

**Whereas**, despite the on-going disciplinary proceedings and the obvious material misrepresentations to the Community and CB2 Man. in creating and establishing an unapproved and unlicensed nightclub in conjunction with the operation of a restaurant with a different address/entrance on a different street establishing an entirely different method of operation, the Licensee has continued to defy the SLA, CB2 Man. and the Community by continuing to operate the Southside nightclub; and,

**Whereas**, community residents again appeared to voice their frustrations about the nightclub operation, providing photos and writing from patrons recently posted on Instagram and other social media internet sites, depicting patrons drinking, dancing and smoking within the premises adjacent to a DJ, describing Southside as a “leader of the anti-smoking ban rebellion”, identifying unsafe conditions relating to the overcrowding of patrons, the overcharging of patrons, drug use, the service of alcohol after hours, unruly behavior spilling out into the street with yelling, shouting, fighting; and,

**Whereas**, when CB2 Man.’s SLA Committee requested the Licensee to close the Southside entrance on Cleveland Place, the Licensee stated that he was having problems with his lease and was considering changes, including closing down the entrance on Cleveland Place to the nightclub but provided no assurances;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** for **406 Broome St. Rest. Inc. d/b/a Brinkley’s, 406 Broome St., 10013** on its application seeking a renewal of its OP license.

Vote: Unanimous, with 46 Board members in favor.

Please advise us of any decision or action taken in response to this resolution.

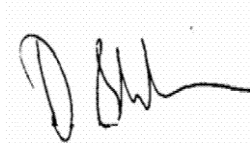
Sincerely,



Robert Ely, Co-Chair  
SLA Licensing Committee  
Community Board #2, Manhattan



Carter Booth Co- Chair  
SLA Licensing Committee  
Community Board #2, Manhattan



David Gruber, Chair  
Community Board #2, Manhattan

DG/EM

cc: Hon. Jerrold L. Nadler, Congressman  
Hon. Nydia Velasquez, Congresswoman  
Hon. Sheldon Silver, NY State Assembly Speaker  
Hon. Deborah J. Glick, NY State Assembly Member  
Hon. Brad Hoylman, NY State Senator  
Hon. Daniel L. Squadron, NY State Senator  
Hon. Gale Brewer, Man. Borough President  
Hon. Corey Johnson, Council Member  
Hon. Margaret Chin, Council Member  
Hon. Rosie Mendez, Council Member  
Pauline Yu, CAU  
Kerri O'Brien, Deputy Commissioner of Licensing NY State Liquor Authority  
Michael Jones, Deputy Chief Executive Officer, NY State Liquor Authority  
SLA Examiners