

Tobi Bergman, *Chair*  
Terri Cude, *First Vice Chair*  
Susan Kent, *Second Vice Chair*  
Bob Gormley, *District Manager*



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

## COMMUNITY BOARD No. 2, MANHATTAN

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

### FULL BOARD MINUTES

**DATE:** October 22, 2015  
**TIME:** 6:30 P.M.  
**PLACE:** Scholastic Building, 557 Broadway, Auditorium

**BOARD MEMBERS PRESENT:** Daniel Ballen, Keen Berger, Tobi Bergman, Chair; Carter Booth, Don Borelli, Anita Brandt, Richard Caccappolo, Ritu Chattree, Tom Connor, Terri Cude, Coral Dawson, Doris Diether, Robert Ely, Billy Freeland, Joshua Frost, Susan Gammie, Jonathan Geballe, Robin Goldberg, Sasha Greene, Susan Kent, Jeannine Kiely, Edward Ma, Alexander Meadows, Daniel Miller, Lois Rakoff, Robin Rothstein, Sandy Russo, Rocio Sanz, Shirley Secunda, Kristin Shea, Federica Sigel, Sean Sweeney, Susan Wittenberg, Elaine Young

**BOARD MEMBERS ABSENT WITH NOTIFICATION:** Susanna Aaron, William Bray, Lisa Cannistraci, Cristy Dwyer, David Gruber, Shirley Smith, Antony Wong, Robert Woodworth

**BOARD MEMBERS ABSENT:** Richard Stewart

**BOARD MEMBERS PRESENT/ARRIVED LATE:** Katy Bordonaro, Chenault Spence

**BOARD MEMBERS PRESENT/LEFT EARLY:** Maud Maron, Robert Riccobono, Maury Schott

**BOARD STAFF PRESENT:** Bob Gormley, District Manager, Florence Arenas, Community Coordinator, and Julio Mora Community Associate

**GUESTS:** Robert Atterbury, Congressman Jerrold Nadler's office; Jared Odessky, Senator Brad Hoylman's office; Morris Chan, Manhattan Borough President Gale Brewer's office; Charles Anderson, Assembly Member Deborah Glick's office, Crystal Feng, NYC Comptroller Scott Stringer's office; Adam Chen, Public Advocate Letitia James' office; David Moss, Council Member Corey Johnson's office; Aura Olavarria, Council Member Rosie Mendez's office; Vincent Fang, Council Member Margaret Chin's office; Adam Lubita, Russ Winer, Ndriqim Kastrati, Steven Monroe Smith, Roxanna Pell, Daniel Pai, Allen Massano, Andrew Bow, Paul Forrest Williams, James Di Paola, Michelle Stuart, Lynn Pacifico, Leslie G. Aguilar, Alejandra Juarez, Stephen Brotodihardjo, Rabbi David Gaffney, John Harbour, Djellza Kastrati, Edona Oshlani, Jane Carey, Alia Elkady, Elvis Moran, Ryan Green, Brian Porzak, Jonathan Kammel, Pete Davies, Yuri Fyodorov, Tian Wei He, Jenny Sale, Taiga Kil, Gail Berman, Shannon Meany, Rashedul Deepon, Leslie Penn, Alex Mokee, Christine Grant, Jean Kim, Carey Luelia, Mike Young, Diana Carulli Dunlap, Jesse He, Charmaine Luke, Robert Blacker, Don Lee, Jesse He, Nichole Huff, Brian Baer, Nancy Brous, Edward Kerson, Ryan Green, Dan Miller, Valerie Campbell

### MEETING SUMMARY

Meeting Date – October 22, 2015  
Board Members Present – 38  
Board Members Absent With Notification – 9  
Board Members Absent - 1  
Board Members Present/Arrived Late - 2  
Board Members Present/Left Early – 3

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## **II. PUBLIC SESSION**

### **Non-Agenda Items**

#### Poe Room Event at NYU

Nichole Huff and Lois Rakoff made announcements regarding this event, which will be held on December 4<sup>th</sup>.

#### Washington Square Music Festival Event

Lois Rakoff made an announcement regarding this event, which will be held on November 30<sup>th</sup>.

#### Bellevue Advisory Board

Lois Rakoff also made an announcement regarding the Board.

#### NY Public Library Oral History Project

Brian Baer spoke regarding this ongoing, citywide project.

#### M-3 Bus

Shirley Secunda, Traffic & Transportation Committee Chair, spoke regarding the bus route.

#### Adult Education Services by the NYC Dept. of Education

Charmaine Luke spoke regarding adult education services offered by the NYC Dept. of Education.

#### Commuter Compost Drop-Off

Ryan Green spoke regarding this service available by the LES Ecology Center.

### **Landmarks & Public Aesthetics Items**

#### **11 E. 11th St.- Landmarks Application**

Edward Kerson, Jonathan Kammel and Valerie Campbell, all representing the synagogue, spoke in favor of the proposed Landmarks application.

### **SLA Licensing Items**

#### **Chumley's 86, LLC, d/b/a Chumley's, 86 Bedford St. 10014**

Diana Carulli Dunlap, Richard, Robert Blacker, Brian Porzak, and Paul Forrest Williams, spoke against the proposed liquor license application.

James Di Paola and Steven Monroe Smith spoke in favor of the proposed liquor license application.

### **Traffic and Transportation Items**

#### **Request for Authorized Commuter Van Pick-Up and Drop-Off Signs at Corner of Elizabeth & Hester Sts.**

Jesse He spoke in favor of this request for signage.

#### **Request for Relocation of the Citi-Bike Installation on Elizabeth St. Near Hester St.**

Don Lee spoke about safety concerns regarding this Citi-Bike installation.

#### **E-Bikes**

Nancy Brous and Dan Miller spoke against E-bikes, citing safety concerns.

## **III. ADOPTION OF AGENDA**

## **IV. ELECTED OFFICIALS PRESENT AND REPORTING**

Robert Atterbury, Congressman Jerrold Nadler's office

Jared Odessky, Senator Brad Hoylman's office

Crystal Feng, NYC Comptroller Scott Stringer's office;

Morris Chan, Manhattan Borough President Gale Brewer's office

Charles Anderson, Assembly Member Deborah Glick's office

David Moss, Council Member Corey Johnson's office

Vincent Fang, Council Member Margaret Chin's office;

Aura Olavarria, Council Member Rosie Mendez's office,

## **V. EXECUTIVE SESSION**

1. **Chair's Report** Tobi Bergman reported.

2. **District Manager's Report** Bob Gormley reported.

## **STANDING COMMITTEE REPORTS**

### **ARTS & INSTITUTIONS**

#### **Resolution in support of The Jackie Robinson Museum and their quest for funding from LMDC**

**WHEREAS** The Jackie Robinson Museum will convey the historical significance of Jackie Robinson's life within the larger context of African American pioneers and the seminal cultural changes of the 20<sup>th</sup> century; and

**WHEREAS** the museum will foster dialogue among visitors and lead them to utilize lessons from Robinson's life; and

**WHEREAS** the museum anticipates its space will be approximately 20,000 square feet, modest in size in comparison to many New York City museums; and

**WHEREAS** the museum did a feasibility study and expects at least 125k visitors per year; and

**WHEREAS** the museum is shovel ready and expects to open its doors by the end of 2017; and

**WHEREAS** the museum has raised 85% of its fundraising goal and needs an additional \$2.5 million to be able to begin full build of the museum; and

**WHEREAS** the museum made a presentation before LMDC for a \$2.5 million grant; and

**WHEREAS** the museum will foster school programming at the museum and will encourage elementary school through high school classes to visit the museum; and

**WHEREAS** the museum will be in close proximity to the 444-seat K-5 elementary school planned at Duarte Square and in the rezoned Hudson Square neighborhood, which will mean more families living in the area; and

**WHEREAS** the museum will monitor traffic conditions and remain in communication with the community board and the community at large about school buses bringing children to and from the museum, as the area experiences heavy vehicular traffic; and

**WHEREAS** the museum anticipates charging accessible entry fees that will be on a sliding scale; and

**WHEREAS** the museum expects to have only a small café that will sell simple snacks and no alcohol and has no intention of applying for a liquor license; and

**WHEREAS** the museum will provide additional culture to burgeoning Hudson Square and the CB2 district overall, which already includes many prominent museums as well as theater and music venues; and

**WHEREAS** the museum is open to collaborating with other museums and arts groups in the area,

**THEREFORE BE IT RESOLVED** that CB2, Man. supports the addition of The Jackie Robinson Museum to our district, and

**BE IT FURTHER RESOLVED** that CB2, Man. asks LMDC to provide the museum with the funding they have requested.

VOTE: Unanimous, with 36 Board members in favor.

### **ELECTION COORDINATING COMMITTEE**

The Committee has been informed by District Manager Bob Gormley that the following individuals have nominated themselves for election to office:

- Antony Wong (Treasurer)
- Keen Berger (Secretary)

At the Full Board meeting the following individuals were nominated from the floor:

- Tobi Bergman (Chair)
- Terri Cude (1<sup>st</sup> Vice Chair)
- Susan Kent (2<sup>nd</sup> Vice Chair)
- Daniel Miller (Assistant Secretary)

### **LANDMARKS AND PUBLIC AESTHETICS**

#### **FIRST LANDMARKS MEETING**

**1a) - 57 Sullivan Street**, (Broome) A house constructed in the Federal style c.1816-17, and first considered for designation in 1970;

**1b) - 801-07 Broadway**, (E. 11th) - the James McCreery Building. An Italianate/French Second Empire-style building designed by John Vellum in 1868, first considered for designation in 1966.

#### **A resolution requesting LPC to move forward and designate these two buildings as Individual Landmarks**

**Whereas**, 57 Sullivan Street is one of the oldest surviving houses in Lower Manhattan, and possibly the oldest surviving house in the SoHo/South Village area; and

**Whereas**, much of the original structure is intact, and any changes are consistent with alterations found on other designated Federal buildings; and

**Whereas**, this has been calendared since 1970; and, further,

**Whereas**, 801 Broadway is a remarkably handsome cast-iron building, a prominent presence in the 19th century commercial area known as Ladies Mile; and

**Whereas**, although a 1971 fire destroyed the original mansard roof, such calamities were not uncommon in “Hell’s Hundred Acres”, as an FDNY commissioner described the area. This blaze resulted in the

building's conversion to residential use, marking the building as an early player in what would become a groundswell of conversions of similar loft buildings throughout the neighborhood and the city; and

**Whereas**, so, the loss of the mansard roof can be viewed as much as a prominent occurrence within an historic evolutionary process in housing, as it can be viewed as a loss of historic material; and

**Whereas**, it was first calendared in 1966, now

**Therefore, be it resolved** that CB2, Man. recommends that LPC designate 57 Sullivan Street and 801 Broadway as Individual Landmarks.

Vote: Unanimous, with 36 Board members in favor.

**2 - 190 Grand Street** (Elizabeth/Mott) - Individual Landmark. A late-Federal style rowhouse, built in 1833 and altered c. 1930 with a ground-floor storefront and residential entry. Application is to replace and enlarge the rear dormer.

**Whereas**, the restoration to the front dormers is commendable; and

**Whereas**, the two enlarged rear dormers proposed for this old building remove original material, configuration and style; but modern exigencies like light and air requirements necessitate this job; and

**Whereas**, the change will essentially be visible to no one, since there is no "doughnut" in this rear-yard space; now

**Therefore, be it resolved** that CB2, Man. recommends approval of this application.

Vote: Unanimous, with 36 Board members in favor.

**3A - 3 - 11 East 11th Street** (5th Ave) - Conservative Synagogue of Fifth Avenue - Greenwich Village HD. A building originally constructed as a stable prior to 1898, modified as a garage, and later altered for use as a synagogue. Application is to reconstruct the front façade, construct an addition, create and close window openings, and alter the front yard.

**Whereas**, the neighboring coop building objected: primarily to lack of notification, although the area was posted; and

**Whereas**, in order to facilitate the observance of religious practices, the applicant must reconfigure and reorient the interior of the synagogue, necessitating a change to the front facade; and

**Whereas**, the change basically involves reorienting the facade as a mirror image of its current 1920s arrangement, with the door moved to the left from its current position on the right side of the facade, with concomitant reorientation of the windows; and

**Whereas**, the application calls for the use of similar historic materials as exists now: leaded-glass, wooden windows, decorative tile work, stucco facing, as well as replacing concrete with bluestone paving; and

**Whereas**, the application requests the addition of a new mansard roof, needed due to an enlargement of the interior space required for the synagogue's programs; and

**Whereas**, such mansard roofs are not uncommon in this part of the Village, and this addition could be said to enhance the building and the district; and

**Whereas**, the applicant wishes to move the front of the building forward eleven feet as part of the enlargement of the interior space referenced above; now

**Therefore, be it resolved** that CB2, Man. recommends approval of this application.

**Vote: Failed, with 27 Board members in opposition, 8 in favor** (J. Frost, R. Goldberg, J. Kiely, M. Maron, R. Sanz, F. Sigel, S. Secunda, S. Sweeney), **and 1 abstention** (K. Berger).

**Please see the substitute resolution below.**

**3B - 11 East 11th Street** (5th Ave.) - Conservative Synagogue of Fifth Avenue - Greenwich Village HD. A building originally constructed as a stable prior to 1898, modified as a garage, and later altered for use as a synagogue. Application is to reconstruct the front façade, construct an addition, create and close window openings, and alter the front yard.

**Whereas**, the applicant's respect for the low-rise and general configuration of the current building is admirable, but

**Whereas**, the destruction of an entire façade of a contributing building is unprecedented and an abrogation of the spirit and purpose of the Landmarks Law;

**Therefore, be it resolved** that CB2, Man. recommends denial of this application, and recommends that the applicant rethink its application and present a design which preserves the façade.

Vote: Passed, with 29 Board members in favor, and 7 in opposition (K. Bordonaro, J. Frost, R. Goldberg, M. Maron, R. Sanz, F. Sigel, S. Sweeney).

**4 - 716 Broadway** (@ Washington Pl.) - NoHo Historic District. A Northern Renaissance Revival style factory and warehouse designed by Alfred Zucker and built in 1890-91. Application is to legalize façade work completed in non-compliance with LPC permit(s);

**Whereas**, there was confusion among the applicant, the commission and the paint supplier over the correct tint of paint approved for the front facade. That which is up there now is not precisely the one approved originally by the commission; but

**Whereas**, the applicant apparently made a good-faith effort to go through the landmark process; and

**Whereas**, the color of the paint there now does not detract from the building or the district; now

**Therefore, be it resolved** that CB2, Man. recommends approval of this application.

Vote: Unanimous, with 36 Board members in favor.

**5 - 30 Christopher Street** - Greenwich Village Historic District. A store and loft building built in 1907. Application is to install a marquee.

**Whereas**, the proposed marquee is appropriate for a residential building of this type and scale; and

**Whereas**, there are other examples of marquees to be found in the district; and

**Whereas**, the applicant averred that addition of the marquee would not obscure historic material; now

**Therefore, be it resolved** that CB2, Man. recommends approval of this application, as long as the marquee does not obscure the bas relief on the facade.

Vote: Unanimous, with 36 Board members in favor.

**6 - 47 West 8th Street (@ MacDougal) - Greenwich Village Historic District.** Application is to legalize facade installed without LPC permits.

**Whereas**, during prior facade restoration work, due to the realization by the applicant that individual bricks for the facade could not be laid within the existing parameters of the facade, the applicant added instead a panel of prefabricated actual bricks that would fit within the space; and

**Whereas**, the resulting appearance is basically indistinguishable from the appearance of individually laid bricks, and does not detract from the buildings; and

**Whereas**, the degree of non-compliance is minimal and to correct it 100% would be Draconian; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of the masonry treatment, but denial of the muntins on the window.

Vote: Unanimous, with 36 Board members in favor.

**7A - 7 - 235 Bleecker Street (Carmine) – Greenwich Village Historic District.** Application is to legalize storefront installed in non-compliance with Certificate of No Effect 16-5887

**Whereas**, due to confusion between the applicant and the commission staff, a fascia board a bit wider than appropriate for this style building was installed; specifically, it approached inappropriately close to the first-story window ledge; and

**Whereas**, it appears the applicant made a good-faith effort in pursuing this application and that there was a miscommunication; and

**Whereas**, the degree of non-compliance is minimal and to correct it 100% would be Draconian; now

**Therefore, be it resolved** that CB2, Man. recommends approval of this application.

**Vote: Failed. Please see substitute resolution below.**

**7B - 235 Bleecker Street (Carmine) – Greenwich Village Historic District.** Application is to legalize storefront installed in non-compliance with Certificate of No Effect 16-5887

**Whereas**, the applicant did not provide a consistent explanation of the relevant facts relating to the current conditions; and

**Whereas**, no work will be delayed if the legalization action is postponed;

**Therefore be it resolved** CB2, Man. requests that the Commission postpone the hearing on this item and the applicant be asked to return to CB2 in November with a full documentation pertaining to past occurrences, violations, current conditions, and proposed remediations.

Vote: Unanimous, with 36 Board members in favor.

**8 - 158 Mercer Street** (Prince/Bdwy) - SoHo-Cast Iron Historic District. A Neoclassical style store & loft building designed by Cleverdon & Putzel, built in 1897. Application is to alter lot-line windows.

**Whereas**, although this application will result in the loss of some historic masonry, the proposed windows and their railings will not be visible from the street; now

**Therefore, be it resolved** that CB2, Man. recommends approval of this application.

Vote: Passed, with 24 Board members in favor, and 12 in opposition (K. Bordonaro, T. Connor, D. Diether, R. Ely, S. Gammie, J. Geballe, L. Rakoff, R. Riccobono, S. Russo, K. Shea, F. Sigel, S. Wittenberg).

## **2<sup>ND</sup> LANDMARKS MEETING**

**9 - 340 W. 12th St.** - Application is to excavate in the rear yard and cellar level in a rear-yard structure.

**Whereas:**

A. The proposed excavation 12' below the existing carriage house in the rear of the property is not adjacent to other structures and therefore poses no difficulties; and

B. The yard between the two structures (the carriage house and row house) is to be excavated to a depth of 12'; now

**Be it resolved:**

1. That CB2, Man. recommends approval of the excavation beneath the carriage house; and
2. That approval is denied for the yard excavation unless a suitable angle of repose remains to ensure that the integrity of adjoining historic properties is not compromised.

Vote: Unanimous, with 36 Board members in favor.

**10 - 812 Washington St.** – Application is to install a wheelchair ramp.

**Whereas:**

- A. The applicant is seeking to settle a law suit concerning ADA accessibility to a retail store; and
- B. The sidewalk conditions preclude a sloping sidewalk that meets ADA requirements; and
- C. A ramp with a rise of 6” at the side of the entrance on Gansevoort with a total length of 16’-3” and 6’-0” wide is proposed; and
- D. There are other solutions that would enable the ramp to be narrower and to intrude less onto a busy pedestrian sidewalk - such as recessing the Gansevoort door, replacing it with a pivot door, or, preferably, relocating the ramp to the Washington Street entrance and placing a narrower ramp in the recess between the piers; and
- E. Relocating the Washington Street entrance door would enable a minimum width ramp that is code complying between the piers of the building thus occupying less sidewalk space and not detracting from the facade and streetscape; now

**Be it resolved:**

That CB2, Man. recommends denial of the application; and recommends that the applicant return to the CB2, Man. Landmarks Committee with a modified proposal along the lines of the recommendations in this resolution.

Vote: Unanimous, with 36 Board members in favor.

**11 - 139 Perry St.** – Application is to install storefront infill and roll-down security gate.

**Whereas;**

- A. The current condition of the one story building's infill is a utilitarian roll down garage door with a entry doorway to the left; and
- B. The proposed infill is aluminum frame with glass storefront infill with a grid pattern and with wide double bi-fold doors for an opening of 11'-0" and door to the right which is in harmony with the building and the adjacent buildings; and
- C. The drawing depicts the location of a proposed sign which will be the subject of a separate application; now

**Be it resolved:**

That CB2, Man. recommends approval of this application.

Vote: Passed, with 35 Board members in favor, and 1 in opposition (D. Diether).

**12 - 327 Bleecker St.** - Application is to demolish the existing building and construct a new four-story building (Bleecker & Christopher Sts.).

**Whereas:**

- A. The existing building is in poor condition with visible cracks, bulging brick bearing walls, the Christopher Street facade is 9” out of plum and this condition was verified with numerous pictures and it was represented by the applicant that the DOB is in agreement that demolition of this building is in order; and
- B. The restoration plan that was previously approved proved to be impractical and dangerous; and
- C. The historic tax photograph depicts a retail shop at street level with two floors above, a mansard floor with two small symmetrical dormers on the Bleecker Street facade and the Christopher Street facade as a typical secondary facade with the side view of pitched roof and entry to the residential units on the upper floors; and
- D. The top floor was subsequently squared to full height, the mansard removed and a one story rear addition added to the east on Christopher Street; and
- E. The proposal for the Bleecker Street facade has window bays reflecting the original condition of the building but the modified dormer - three windows wide at the mansard is out of scale, not typical of this historic district and type of building; and
- F. The Bleecker Street mansard roof proposed is higher than the original in order to hide rooftop mechanicals; and
- G. The Christopher Street facade continues the Bleecker Street mansard roof and wraps around the corner displaying an unfortunate variety of ill proportioned dormers; and
- H. The Christopher Street facade moves the principal facade to this location with large windows in a wide three story wood bay window which presents a grandiose facade that cannot be sustained by a building of this size, is totally out of keeping with the secondary character of this facade as clearly depicted in the tax photograph and is, to this day, evident; and
- I. The proposed masonry stair tower at the eastern edge of Christopher Street facade is aesthetically unappealing, intrusive, industrial in appearance, rises above the roof line of the main building; and
- J. This tower has no historic reference, is an objectionable interruption of the building’s roof line and, for no discernible reason, contains blind masonry infilled windows (which have a special historic purpose in historic Village buildings) which are not authentic nor appealing; and
- K. The stair tower is not suitable for this type of building, is a response to a self-created difficulty and presents many unresolved issues by the moving of the interior staircase from its natural position inside the main building to a location outside the building itself; now

**Be it resolved;**

That CB2, Man. recommends

- 1. Proposed oversized dormer be replaced by a pair of dormers resembling those depicted in the 1940s tax photograph; and

2. That CB2, Man. recommends denial of the entire design of the Christopher Street facade and roof and recommends that a revised design reflecting the secondary character of the facade as depicted in the tax photograph; and

3. That the application be redesigned to conform to the recommendations in this resolution and that the revised application be brought before the CB2, Man. Landmarks Committee for review prior to an appearance before the Landmarks Commission.

Vote: Unanimous, with 36 Board members in favor.

**13 - 39 W. 10th St.** – Application is to replicate the historic surround at the current entry location, alter the steps to the front door and install a new areaway railing; and rear excavation to extend cellar and sub-cellar approximately 12 feet into the rear yard.

**Whereas**

A. The existing entrance is at the basement level and has no surround or other ornamentation; and

B. The configuration of the existing areaway and railing does not provide for direct access to the entrance door; and

C. The proposal is to add detailing around the entry and provide for direct access to the entry from the sidewalk; and

D. The excavation of the irregular cellar floor with only 6'-0" headroom will provide a habitable use of the cellar; and

E. The garden to be excavated 12'-3" below the current level of the garden doors; and

F. Underpinning will be required for much of the excavation; now

**Be it resolved;**

1. That CB2, Man. recommends approval of the modifications to the entryway and the areaway fence; and

2. That approval is denied for the cellar excavation unless a suitable angle of repose remains to ensure that the integrity of adjoining historic properties is not compromised.

Vote: Unanimous, with 36 Board members in favor.

**14 - \*8-12 Little W. 12th St.** – Application is to renovate the roof, install new roof access stair bulkhead, restoration of the building façade and storefront, and replace windows to LPC compliance.

**\*6-8 Little W. 12th St.** - Application is to alter the parapet, construct a rooftop addition, replace windows, and replace doors.

**Whereas:**

A. The properties presented in two separate applications are to be combined into one tax lot with a unified façade including the infill of steel and glass doors prevalent in the district; and

B. A modification is proposed to the south parapet together with a highly visible and intrusive reflective glass panel railing design to satisfy the safety requirement in occupied rooftop space; and

C. The roof top lounge area amenity for the office tenants similar to others in the district and covers the most of the rooftop area; and

D. A highly visible metal and glass structure, variously described as a “bulkhead or pantry” is to be constructed on the rooftop; now

**Therefore be it resolved;**

1. That CB2, Man. recommends approval of the street level infill modifications and upper windows; and

2. Approval of the rooftop lounge; and

3. Denial of the highly visible and intrusive rooftop glass railing and suggest that the lower portion of the parapet, which was lowered at some point in its history, be raised to the height of the adjoining parapet and that the railing be setback to become invisible from the street; and

4. Denial of the extremely visible penthouse structure labeled “pantry/bulkhead” and that in its place a sloped roof, metal clad stair bulkhead of minimal size to satisfy egress requirements and typical to this type of building and to the district.

Vote: Passed, with 29 Board members in favor, and 7 in opposition (R. Chatree, R. Ely, R. Goldberg, S. Kent, A. Meadows, S. Russo, E. Young).

**15 - 547 Broadway** - Application is to reconstruct and waterproof the sidewalk and vault.

**(Withdrawn)**

**16 - 271 W. 11th St.** - Application to renovate the façade, front yard and stoop.

**(Laid over)**

## SPECIAL LANDMARKS MEETING

### GANSEVOORT ROW LANDMARKS MEETING

15. **\*46-50 Gansevoort St.**

- **46-48 Gansevoort St.:** preservation and rehabilitation of the existing building including the installation of new steel storefront infill and windows, replacement of the two historic metal marquees, replacement of the existing rooftop skylight, installation of signage, and excavation under the existing building footprint.
- **50 Gansevoort St.:** demolition of the existing building ('No Style Covering' in LPC HD Report) and construction of a new three-story plus cellar building clad in buff brick with steel-and-glass storefront infill and steel widows on the upper floors.

16. **\*52-58 Gansevoort St.-** preservation and rehabilitation of the existing building including installation of new ground-floor infill, installation of signage and lighting, installation of new wood windows on the second floor, horizontal extension of the second floor at the rear, and excavation under the existing building footprint.

17. **\*60-74 Gansevoort St**

- **60-68 Gansevoort St.:** preservation of the existing building and marquee, including the installation of new metal-and-glass storefront infill, signage, lighting, reconstruction of the demolished upper three stories of the historic building construction of a one-story set back addition with rooftop mechanicals, and excavation under the existing building footprint.
- **70-74 Gansevoort St.:** demolition of the existing one-story building ('No Style' in LPC HD Report) and construction of a new six-story plus cellar building clad in mottled gray brick with a two-story penthouse clad in wood and glass, installation of metal-and-glass storefront infill, and steel-wood-and-glass marquees.

*The proposed project alters the very essence and distinct characteristics that deemed this district historic and worth preserving by designation. It alters the mass, scale and architectural details that are particular to this street and that represent the meatpacking district so well that it graces the cover of the LPC's report (Historic Designation Report for the Gansevoort Market Historic District).*

*The demolition of some buildings and the gigantic enlargement of the other buildings is overwhelming - not deferential and subservient in its impact on the historic architecture of the row, the streetscape, and the views from elsewhere in the district and beyond.*

*The proposed design, in its overall appearance and detail, is highly commercial with an artificial affectation that is neither authentic nor respectful of the character and essence of this block and the district.*

### **Whereas,**

A. The row is unique as the only intact block and an illustrative ensemble of vernacular architecture specific to the Gansevoort Market District; giving a distinctive illustration of the changes throughout the history of the district prior to designation and has existed, essentially, in its present form for 75 years; and

- B. The grittiness of an urban, working district of meat packing and other market activities was an important reason, along with the distinctive architecture, for designation and this is perfectly encapsulated in this row; and
- C. Each of the different styles and sizes of buildings in the row contributes in an important way to the whole, especially with the unifying, low, horizontal facade lines and sheds; marked at the eastern end with the later, higher buildings and standing in important contrast to the large warehouse building, originally served by the high-line railroad, to the west across Washington Street; and
- D. As the last remaining intact market row, it provides a distinctive vista inside and outside the district and serves as a historic passage through the district leading to the High Line and Whitney Museum, giving a “social and architectural history lesson” to those who pass by; and
- E. Buildings 46 - 48 are to be renovated with bi-fold steel and glass infill that are out of context and the two historic metal marquees are replaced by new inappropriately ornamental shed canopies which lack the sense of light and shadow and the utilitarian purpose which the original canopies served and instead speak to a fussy decorativeness, calling undue attention to themselves; and
- F. Building 50 retains its reasonably intact facade behind the cladding and is suitable for restoration rather than demolition. The proposed replacement destroys the low rise, horizontal character of the row anchored by 52 - 58 and also has the same ornamental canopies proposed in 46-48; and
- G. Building 52 - 58 are to be restored with minimal changes in openings, retaining the original historic canopy and with new bi-fold steel and glass infill that are out of context with the building and the district; and
- H. Building 60-68 uses the existing, restored building, with its parapet shorn off, as the lower floors of an inordinately high building designed in a generic style with no discernible reference to the district and of a scale that obliterates the charm of the existing building and the predominant horizontal character of the original row; and
- I. Building 70-74, while characterized as “no style” in the designation report, was designed by a well-known architectural firm and exemplifies a purpose-built, inter-war market style building, which enriches the overall significance of the row and maintains the low rise, horizontal character of the row. The proposed replacement is an inordinately high building with a large, assertive, penthouse with an undulating facade that is completely without reference. This building intrudes unacceptably on the streetscape of the eastern side of Washington Street in the adjacent Greenwich Village Historic District; and
- J. Taken together, Buildings 60-68 and 70-74 overwhelm the row; completely erasing any feeling of the important low rise, horizontal unity and the architectural treatment of the two lower stories of both buildings and the undefined lower stories serves further to present the buildings as generic, medium rise structures, unrelated in any way to the district; and
- K. The proposal raises the profile of the new buildings to elevations (98 feet, 120 feet, 52’-5” feet including mechanicals) which obliterate any reference to the designated row as it now exists, almost perfectly preserved for 75 years; and

L. Any modifications and additions must be secondary, unobtrusive, and harmonious, of minimal height and set back a considerable distance from the facades to preserve the horizontal lines of the row and the scale, rhythm and streetscape of the row and its special place as the oculus of the district; and

M. There is nearly universal opposition from the community with statements against the application from Greenwich Village Society for Historic Preservation and from an ad hoc committee - "Save Gansevoort", individual members of the community who attended the meeting, and written statements from members of the community and docents for the High Line - together registering approximately 400 oppositions to the application.

N. The Committee received letters of support through the applicant from 15 businesses, and two residents of the neighborhood; now

**Therefore be it resolved:** that CB2, Man. recommends denial of the demolition of #50 and #70-74; and

**Be it further resolved,** that CB2, Man. recommends denial of any modifications or additions to any of the buildings that are not secondary, unobtrusive and harmonious and do not preserve the horizontal lines, scale, rhythm, streetscape, and regard for the history of the row; and

**Be it finally resolved,** that because any appropriate development for this block will need drastic reduction in scale – especially minimal height and considerable setback of additions atop existing buildings - and a design that is sensitive to the buildings and to the district. Essentially a new proposal will be required; therefore, proposed modifications to the application should be presented to the CB2, Man. Landmarks Committee prior to a hearing before the Landmarks Preservation Commission.

Vote: Unanimous, with 36 Board members in favor.

## **LAND USE AND BUSINESS DEVELOPMENT**

**1. 144-150 Wooster Street** (east side, between Houston and Prince) in an M1-5A zone in the SoHo Cast Iron Historic District. Applications to the City Planning Commission: **N150416 ZRM** for a Zoning Text Amendment to ZR 74-712 to increase the allowable lot coverage for existing buildings from 20% to 40%, and applications **150417 ZSM; and 150418 ZSM** for a special permit pursuant to ZR 74-712 for modifications of use and bulk regulations to enable the development of an 8-story mixed use building with ground floor retail and six apartments on floors 2-8.

### **Whereas:**

1. On February 19, 2015, the full board of CB2, Man. commended the efforts of 150 Wooster LLC and adjacent residents to resolve issues relating to this project;
2. The project was approved unanimously at that time;
3. The project was re-presented to CB2 Manhattan's Land Use unchanged on October 14, 2015.

**Therefore, be it resolved** that CB2, Man. approves this application but asks that the developer remove the balconies on the rear of the building due to concerns about the potential for noise and unsightly storage, and the fact that the balconies protrude 7' into the 30' back yard.

Vote: Unanimous, with 36 Board members in favor.

**2a. \*321 Canal Street** (north side between Mercer and Green Streets) located in an M1-5B zone in the SoHo Cast Iron Historic District. Application C 150384 ZSM to the City Planning Commission for a special permit pursuant to ZR 74-711 to allow retail uses below the second story and residential on floors 2-4

**2b. \*323 Canal Street** (north side, between Mercer and Green Street) in an M1-5B zone in the SoHo Cast Iron Historic District. Application C 150385 ZSM to City Planning Commission for a special permit pursuant to ZR 74-711 to allow retail uses below the second story and residential use on floors 2-4.

Note: The two properties are separate but adjacent to each other and are being renovated by the same applicant.

**Whereas:**

1. These buildings are badly in need of rehabilitation and restoration.
2. The proposed change of use is consistent with neighboring buildings on Canal Street and the surrounding area.
3. The owner's representative alleged that the buildings have been unoccupied for 20 years but could not provide further details relative to the buildings' history.

**Therefore, be it resolved** that CB2, Man. approves this application on condition that the applicant not combine the two buildings and to limit the cellar to accessory use only.

Vote: Unanimous, with 36 Board members in favor.

**3. 62 Cooper Square** (south of Astor Place on Cooper Place) for a Physical Culture Establishment (PCE). BSA Cal. No. 238-04-BZ is for an extension of term of a previously granted PCE special permit (January 25, 2005 to January 25, 2015) to operate a NYHRC on the cellar, first and mezzanine floors.

**Whereas:**

1. The proposed Physical Culture Establishment is in an M1-5B zone where this use is not allowed as-of-right and a Special Permit is required; and
2. The application is a renewal, and
3. The use as proposed will not impair the essential character or the future use or development of the surrounding area; and
4. There were no public speakers for or against the application.

**Therefore, be it resolved** that: CB2, Man. recommends approval for a special permit to allow operation of a Physical Culture Establishment to be operated as NYHRC at 62 Cooper Square.

Vote: Unanimous, with 36 Board members in favor.

**4. 250 Mercer St.** (between W. 3rd & W. 4th Streets.) Cal No 196-15BZ. This application for a Special Permit is to operate a Physical Culture Establishment (PCE), Haven Spa, filed pursuant to ZR73-76 and 73-03. The application seeks to authorize a PCE that will occupy the first floor of a 16 story residential building in a C6-2 zoning district.

**Whereas:**

1. The proposed Physical Culture Establishment is in an M1-5B zone where this use is not allowed as-of-right and a Special Permit is required; and
2. The use as proposed will not impair the essential character or the future use or development of the surrounding area; and
3. The proposed premises will include facilities for manicures and pedicures, facials and message; and
4. The applicant was made aware that mechanical ventilation be properly executed to protect adjacent properties from acetate fumes; and
5. There were no public speakers for or against the application.

**Therefore, be it resolved** that: CB2, Man. recommends approval for a special permit to allow operation of a Physical Culture Establishment to be operated as Haven Spa at 250 Mercer Street.

Vote: Unanimous, with 36 Board members in favor.

## **PARKS/ WATERFRONT**

### **Resolution Regarding the Installation of a New Fence Around Perimeter of Jane Street Garden**

#### **Whereas**

1. The existing perimeter fence for the Jane Street Garden, located at Jane St. and 8<sup>th</sup> Ave., needs to be replaced;
2. The New York City Department of Parks and Recreation and the local community believe that the new fence should not be chain-link like the existing fence, rather the new design should be more consistent with other park fences in the neighborhood;
3. The New York City Department of Parks and Recreation has created a design depicting a 4 foot high, decorative, iron fence with a granite curb and a curved arched radial gate;
4. The presented design proposes moving the location of the gate to the corner of Jane St. and 8<sup>th</sup> Avenue from where the current entrance is placed, which is further west down Jane St., with the goal of more clearly showing to passerbys when the garden is open;
5. The project and the design presented are fully funded with an expected budget of \$140,000, the capital for which has been committed by the City Council;

#### **Therefore be it resolved that CB2, Man.:**

Supports this project and the proposed design, presented by the New York City Department of Parks and Recreation, of a new fence around the perimeter Jane Street Garden

VOTE: Unanimous, with 36 Board Members in favor.

## **SIDEWALKS/STREET ACTIVITIES**

### **1. Renewal/Modification App. for revocable consent to operate an unenclosed sidewalk café for:**

**Sud123, Incorporated, d/b/a Ciao, 178 Mulberry Street with 11 tables & 23 chairs (1382366-DCA)**

**Whereas,**

- a. the area was posted, community groups notified and there were no community members present regarding this application, and the applicant was not present, but the application was represented by expediter Robert Callahan, and
- b. the existing sidewalk café license allowed nine table and nineteen chairs in front of the restaurant on Mulberry Street; and
- c. the application is to renew and modify and existing sidewalk café by adding four tables and eight chairs on Broome Street to replace the loss of two tables and four chairs on Mulberry Street when the adjacent property was leased by another restaurant, thereby leaving seven tables and fifteen chairs on Mulberry Street for a total of eleven tables and twenty three chairs; and
- d. the sidewalk on Broome Street is 12'3" and the applicant proposes putting two tables and four chairs on each side of a doorway on the Broome Street side of the restaurant and using the area between the tables as the required wait service aisle; and
- e. an on-site inspection by the CB2, Man. Chair and District Manager, in addition to photos submitted by the applicant, confirmed that there is a step protruding approximately one foot from the building on the Broome Street side as well as doors which open out, neither of which are shown on the applicants sidewalk café plan and which make it impossible to have four tables and eight chairs in the sidewalk and still maintain the required 8' pedestrian clear path; and
- f. to address the lack of legal pedestrian clearance the applicant's representative agreed to reduce the number of tables and chairs on Broome Street to two and four for a total number of nine tables and nineteen chairs in the modified sidewalk café plan; and
- g. the applicant received a two violations on August 20, 2015 from the Department of Consumer Affairs for not complying with its revocable consent term and for not providing legally required clearance for pedestrians; and
- h. this property lies within the Special Little Italy District and Section 109-02 of the Zoning Resolution states: "The use of the public streets and sidewalks for the maintenance of sidewalk cafes, outdoor cafes or any other structures shall require the separate approval of the Board of Estimate, which may be granted upon such terms and conditions as the Board of Estimate may deem appropriate," and
- i. for this reason a sidewalk cafe at this location should not be considered as-of-right and should require separate consideration and approval of the City Council.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **APPROVAL** of this **RENEWAL/MODIFICATION** application for revocable consent to operate an unenclosed sidewalk café for **Sud123, Incorporated, d/b/a Ciao, 178 Mulberry Street with the number of tables reduced to 9 tables & 19 chairs (1382366-DCA).**

**VOTE:** Unanimous, with 36 Board Members in favor.

**2. New App. for revocable consent to operate an Enclosed sidewalk café for:**

**Innovation Kitchens, LLC, d/b/a Dominique Ansel Kitchen, 137 7<sup>th</sup> Avenue South with 5 tables & 24 chairs (9978-2015-ASWC)**

**Whereas,**

- a. the area was posted and the applicant was not present, and
- b. there have been no applications for a new enclosed sidewalk café in Community District 2 for at least twenty years; and
- c. in advance of the meeting of the Sidewalks and Street Activities Committee, the applicant, Dominique Ansel, told CB2, Man. that he was “reconsidering” going forward with his application for an enclosed sidewalk café; and
- d. the applicant was advised by CB2, Man. that, if he intended to pursue the application, he needed to present his application at the meeting of CB2’s Sidewalks and Street Activities Committee; and
- e. the applicant did not appear at the committee meeting; and
- f. in any event, the NYC Zoning Resolution states “There shall be a minimum distance of 40 feet between the near end walls of two enclosed sidewalk cafes if an entrance to a ground floor commercial use, other than an entrance to the eating or drinking place associated with either enclosed sidewalk cafe, is located between them.” (ZR §40-11(d)); and
- g. this proposed enclosed sidewalk café is less than 40’ from the enclosed sidewalk café located at 133 7<sup>th</sup> Avenue South.

**THEREFORE, BE IT RESOLVED**, that CB2, Man. recommends **DENIAL** of a new application for revocable consent to operate an enclosed café to **Innovation Kitchens, LLC, d/b/a Dominique Ansel Kitchen, 137 7<sup>th</sup> Avenue South with 5 tables & 24 chairs (9978-2015-ASWC)**.

VOTE: Unanimous, with 36 Board Members in favor.

**3. New App. App. for revocable consent to operate an unenclosed sidewalk café for:**

**Rehandari, LLC, 24 9<sup>th</sup> Avenue, with 8 tables & 16 chairs (13040-2015-ASWC)**

**Whereas,**

- a. the area was posted, there were no community members present regarding this application, and the application was presented by owners Scott Kebrick and Ariel Ferreira; and
- b. this is a new application for eight tables and sixteen chairs on a 20’ sidewalk with the tables, chairs and planters occupying 10’ of the sidewalk on Ninth Avenue; and
- c. six of the tables, each measuring 1’10’, abut each other in a way that seem to make easy wait service impossible; and

d. to address this problem, the applicant agreed to remove one table and two chairs.

**THEREFORE, BE IT RESOLVED**, that CB2, Man. recommends **APPROVAL** of a new application for revocable consent to operate an unenclosed café to **Rehandari, LLC, 24 9<sup>th</sup> Ave., with the number of tables and chairs reduced to 7 tables & 14 chairs (13040-2015-ASWC).**

VOTE: Unanimous, with 36 Board Members in favor

**4. FYI Renewal Applications For Sidewalk Cafés (Unenclosed & Enclosed):**

**Whereas**, the renewals below were posted on the CB2, Man. website and there were no community members requesting these applications be heard, and

**Whereas**, these cafés have been operated for at least 2 years by these applicants and the Board has not been notified of any issues with their operation.

- French Roast, Inc., 78 W. 11<sup>th</sup> St. with 8 tables & 16 chairs (0907203-DCA) (unenclosed)
- RDK Restaurant Corp., 180 Spring St. with 14 tables & 30 chairs (1101999-DCA)(unenclosed)
- Garden Café Associates, LLC, d/b/a B Bar & Grill, 40 E. 4<sup>th</sup> St. with 5 tables & 20 chairs (1381793-DCA)(unenclosed)
- Tre Giovani, Inc., d/b/a Tre Giovani, 548 LaGuardia Pl. with 4 tables & 12 chairs (0997686-DCA)(unenclosed)
- PQ Union Square, Inc., d/b/a Le Pain Quotidien, 801 Broadway with 19 tables & 38 chairs (1380933-DCA) (unenclosed)
- PQ 550 Hudson, Inc, 550 Hudson St. with 13 tables & 26 chairs (1274769-DCA) (unenclosed)
- 64 Greenwich Restaurant, LLC, 64 Greenwich Ave. with 4 tables & 9 chairs (1385289-DCA) (unenclosed)
- City Winery New York, LLC, d/b/a City Winery, 155 Varick St. with 11 tables & 22 chairs (1464516-DCA) (unenclosed)
- 10 Downing Restaurant, LLC, d/b/a Café Clover, 10 Downing St. with 28 tables & 59 chairs (2019393-DCA)
- Rajmar Holdings, Inc. d/b/a Hudson Bar and Books, 636 Hudson St. with 4 tables & 8 chairs (1092103-DCA) (unenclosed)
- Jack’s Coffee IV, LLC, 10 Downing St. with 6 tables & 13 chairs (1466246-DCA)(unenclosed)
- Schatzi Corp., 342 W. 11<sup>th</sup> St. with 8 tables & 16 chairs (1257073-DCA)(unenclosed)

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **APPROVAL** of the above referenced **RENEWAL** applications for revocable consents to operate unenclosed and enclosed sidewalk cafés.

VOTE: Unanimous, with 36 Board Members in favor

**5. Applications for Street Activities Permits:**

**Whereas, for a “block party or block festival”,** CB2 Man. attempts to determine, within its ability, that each sponsor is a community-based, not-for-profit organization, association, or the like, which has an indigenous relationship to the specific street, community or both;

**Whereas**, the areas were posted and the applicants, as noted, were present regarding the applications below; and,

**Whereas**, the remaining items – noted as **FYI – Renewals below** – have been held for three or more years; and, after the items were published on the CB2 calendar of Meetings, no members of the community requested a public hearing be held regarding them, CB2 Manhattan has no issue with these applications and approves them, in total:

**New Application for a Street Activity Event:**

**10/25/15**      **Promise Lamb (Special Event): A Collaboration of Madani Halal and Left Bank Restaurant (Perry Street between Hudson and Greenwich Streets)**

**Whereas**, this application is classified as a Special Event meaning that its purpose is to “promote advertise or introduce a product, corporation, company or other commercial entity or the goods or services of a corporation, company, or other commercial entity to either the general public or to a portion of the general public.” and

**Whereas**, the applicant stated that the purpose of the event was “just to have fun” and “to promote The Left Bank Restaurant;” and

**Whereas**, the application requests the closing of a curb lane on Perry Street to set up a rotisserie from 7:00 a.m. until 8:00 p.m. to cook a full lamb, although the applicant told the committee that it actually intended to close a curb lane on Greenwich Street; and

**Whereas**, the Mayor’s Street Activities Office had informed CB2, Man. that, although the cooking would be done on the street, the food would be served inside the restaurant; and

**Whereas**, the applicant stated that, while this was true, they also intended to serve lamb pitas for seven dollars on the sidewalk; and

**Whereas**, the applicant stated that they would not sell or serve beverages on the street; and

**Whereas**, the applicant stated that they did not notify any residents regarding this application, but stated that the restaurant is very popular among people in its building.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **DENIAL** of this event on Perry Street between Hudson and Greenwich Streets.

VOTE: Unanimous, with 36 Board Members in favor

**New Application for a Street Activity Event:**

**11/22/15**      **Basilica of St. Patrick’s Old Cathedral’s 200<sup>th</sup> Anniversary Celebration (Mulberry Street between Houston and Prince Streets)**

**Whereas**, this is a religious ceremony celebrating the 200<sup>th</sup> anniversary of the Basilica of the St. Old Cathedral; and

**Whereas**, Monsignor Donald Sakano, the pastor of the Basilica, presented the application and stated that a full street closure was requested to accommodate large crowds and the installation of small tents outside the St. Patrick’s Youth Center, located at 268 Mulberry Street.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **APPROVAL** of this application of the **Basilica of St. Patrick's Old Cathedral's 200<sup>th</sup> Anniversary Celebration.**

Vote: Unanimous, with 36 Board members in favor.

**1/1/16 – 12/31/16**      **St. Anthony's Market Street Festival (West Houston St. between Thompson and MacDougal Streets)**

**Whereas**, the existing permit allows the applicants to operate the market on weekends and holidays for ten months of the year; and

**Whereas**, this application is to modify an existing permit to allow this market to operate on weekends and holidays throughout the year; and

**Whereas**, CB2, Man. has no outstanding issues or complaints regarding this event.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **APPROVAL** of the **St. Anthony's Market Street Festival.**

Vote: Unanimous, with 36 Board members in favor.

**New Application for a Street Activity Event:**

**10/24/15**                      **West Village Eats: A Celebration of Local Restaurants, Benefiting P.S. 3, Grove St. bet. Bedford & Hudson Sts.**

**Whereas**, this application was laid over from the August, 2015 calendar and a group of parents were present in support of the application

**Whereas**, this event was f/k/a Taste of the West Village wherein more than 20 restaurants in the West Village participate in order to raise funds for academic and arts programs at PS 3;

**Whereas**, the Grove Street Block Association submitted a letter in support the event.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **APPROVAL** of this event at Grove St. bet Bedford & Hudson Sts.

Vote: Unanimous, with 36 Board members in favor.

**SLA LICENSING**

**1. 86 St. AA, LLC, d/b/a Soho Room, 203 Spring St. 10012** (Alteration to Add Sidewalk Café service to existing OP License, SN1276686 Exp. 6/30/2016).

**A. Whereas**, the applicant appeared before CB2, Manhattan's SLA Licensing Committee seeking an alteration to an existing On Premise license to add service to a sidewalk café located near a rear door of the existing storefront premises on Sullivan Street off the northwest corner with Spring Street; and

**B. Whereas**, the storefront premises currently operates as a neighborhood tavern subject to a stipulations agreement with CB2, Man. from February/2014 that currently remains in place; and

**C. Whereas**, the applicant and operator will continue to operate the existing bar and tavern in a mixed-use building (Circa 1900) located on the corner of Spring and Sullivan Streets in a 2,626 SF premises (1,818 SF for ground and 1008 SF for the basement) with 22 tables with 46 seats, 1 bar with 12 seats and maximum occupancy of less than 74 people; and,

**D. Whereas**, the interior hours of operation will continue to be 10 am to 4 am daily, there are two T.V.s, music will be from ipod/cd's at background levels only, all doors and windows will be closed at all times; and

**E. Whereas**, the applicant already appeared (July/2015) before CB2, Manhattan's Sidewalk Café Committee, and despite opposition from "four area residents" the sidewalk café was approved for 5 tables and 10 seats but where the sidewalk café will close by 10 PM Sunday through Thursday and by 11 PM on Fridays and Saturdays; and

**F. Whereas**, the applicant again executed a stipulation agreement with CB2, Man. that they agreed would be attached and incorporated in to their method of operation on their SLA beer and wine license as follows:

1. Will operate as a neighborhood Tavern with food menu.
2. Music will be background only.
3. Will close all doors and windows at all times except for egress or ingress only.
4. No patron use of basement.
5. The existing method of operation will remain the same.
6. There will be no DJs, live music, promoted events, cover fees or scheduled performances.
7. The sidewalk café will be limited to 5 tables and 10 seats and will close by 10 PM Sunday through Thursday and by 11 PM on Fridays and Saturdays.
8. There will only be two TVs and will not operate as a Sports Bar.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of an alteration to its existing on premise license for **86 St. AA, LLC, d/b/a Soho Room, 203 Spring St. 10012** **unless** the statements the applicant presented are both accurate and complete, and that those conditions and stipulations agreed to by the applicant are incorporated into the "Method of Operation" on the beer and wine license.

Vote: Unanimous, with 36 Board members in favor.

**2. South Village Hospitality Group, LLC, d/ b/a Carroll Place, 157 Bleecker St. 10012** (Alteration to Add Sidewalk Café service to existing OP License, SN1269222).

**A. Whereas**, the applicant appeared before CB2, Manhattan's SLA Licensing Committee seeking an alteration to an existing On Premise license to serve beer, wine and alcohol at a sidewalk café located on the public sidewalk directly in front of the premises on Bleecker Street; and

**B. Whereas**, the applicant currently operates a full service Bistro/Club with Cabaret in a 5,500 sq. ft. premise (2,200 sq. ft. ground floor and Basement and 1,100 sq. ft. mezzanine) with 54 tables and 140 seats and 1 bar with 20 seats for a total of 170 seats in a mixed use building located in a historic district on Bleecker Street between Thompson and Sullivan Street; and

**C. Whereas**, when the applicant originally appeared before CB2, Man. seeking its existing On Premise license in July/2012 (Sergio Riva or entity to be formed) and CB2 Man. recommended its approval of the On Premise license subject to a stipulations agreement with applicant that currently remains in place for the business, the applicant also stated and represented that there would be no sidewalk café in the future at the premises; and

**D. Whereas**, the previously measurement and consideration by CB2 Man. to recommend approval of the existing on-premise license in 2013 was based upon the applicant's original representations that there would be no sidewalk café or outdoor service at the premises, where the over-all impact of such a large business operation in a mixed use, historic area was already deemed to be a significant impact on the surrounding community, especially in that there are many other similar type late night establishments on the same block and immediate area to this business, there continues to be 49 other existing on premise liquor licenses within 500 ft. of the applicant's premises and the premises is located in an area of CB2, Man. that is the most greatly saturated with liquor licenses; and

**E. Whereas**, the interior hours of operation will continue to be Sunday to Wednesday from 11:00 a.m. to 2:00 a.m. and Thursday to Saturday from 11:00 a.m. to 4:00 a.m., there will be four TVs and entertainment level music; and

**F. Whereas**, the applicant provided no valid reason for the use of a sidewalk café at a business operation whose predominant operation is to sell alcohol with music that can be loud at entertainment levels which should be enclosed at all times; and

**G. Whereas**, despite a prior recommendation from CB2 Manhattan's Sidewalk Café Committee disapproving the license in August/2015, despite continued opposition voiced by the Bleecker Street Area Merchants and Resident's Association, and despite there never being a sidewalk café at or near the existing premises, the applicant ignored such opposition from the community and CB2 Man., sought and obtained a license to operate a sidewalk café from the Department of Consumer Affairs in front of the premises; and

**H. Whereas**, the license from the Department of Consumer Affairs does not permit the service of alcohol at the café; and

**I. Whereas**, the current operator obtained its prior approval and acquiescence for its existing on-premise license on the pretext that there would be no sidewalk café at or adjacent to the premises or any outdoor service associated with the late night method of operation; and

**J. Whereas**, the sidewalk café would be entirely inappropriate and inconsistent with the operators current method of operation whose profit is based primarily on the sale of liquor to patrons and includes late night noisy operations with loud, entertainment levels of music; and

**K. Whereas**, in the past the operator has violated its existing stipulations agreement with CB2, Man. by leaving its large doors and sliding window open during the day while also playing entertainment levels of music out onto the public sidewalk and by failing to close its doors and large window by 10 PM every night to prevent late night disruption on the other local merchants and residents living and operating in the surrounding area; and

**L. Whereas**, the addition of service to an outdoor café at the subject premises will have a significant, unreasonable impact and greatly affect the quiet enjoyment of surrounding residential neighbors and will infringe upon and/or change the quality of life of neighbors and other merchants alike to an existing neighborhood that is greatly saturated with liquor licenses and late night establishments; and

**M. Whereas**, the Licensee was unable to provide any documentation from the New York City Department of Buildings indicating that the kitchen located in the basement of the premises has been properly certified for use; the existing letter of no objection dated March 2008 only references the ground floor of the premises; there is a current application for a new Certificate of Occupancy which has not yet been completed;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial for **South Village Hospitality Group, LLC, d/ b/a Carroll Place, 157 Bleecker St. 10012** on its application for an alteration to its existing on premise license to add service to a sidewalk cafe; and,

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. respectfully requests that Liquor Authority place this matter before the Full Board of the New York State Liquor Authority for consideration at a regularly scheduled meeting should this application be presented to the Liquor Authority so that the Commissioners may review the recommendation of CB#2 Man.

Vote: Unanimous, with 36 Board members in favor.

**3. Selayang Corp., d/b/a Nyonya, 199 Grand St. 10013** (Transfer of existing BW license, Grand Nyonya Corp. d/b/a Nyonya SN1221474, Exp. 6/30/2017).

**A. Whereas**, the applicant appeared before CB2’s SLA Licensing committee to present an application for a transfer of an existing restaurant wine license to operate a family-owned restaurant serving Malaysian cuisine on Grand Street between Mulberry and Mott Streets in a mixed-use seven-story building; and

**B. Whereas**, the location was previously operated as a Malaysian restaurant with a Beer and Wine license and will continue to operate with the same method of operation, same business hours and with the same trade name “Nyonya”, albeit with new ownership; and

**C. Whereas**, the storefront premises is approximately 3,900 SF (ground floor 2,900 and 1,000 SF basement for storage purposes only), 35 tables with 122 seats, no stand up bar, two bathrooms, no TVs and music will be background only; and

**D. Whereas**, the hours of operation for the Restaurant will be from 11 AM to 11:30 PM Sunday through Thursday and from 11 AM to 12 AM on Fridays and Saturdays, the premises will operate as a full service Malaysian restaurant, there will be no sidewalk café, there will be no d.j. or live music, no private parties, there will be no scheduled performances or events with a cover charge; and

**E. 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 BW license and the stipulations are as follows:

1. The premises will be advertised and operated as a full service Malaysian restaurant.
2. The hours of operation for the restaurant will be from 11 AM to 11:30 PM Sunday through Thursday and from 11 AM to 12 AM on Fridays and Saturdays.

3. There will no outdoor space and no sidewalk café.
4. No French or accordion style doors will be installed at the premises and the applicant will close all exterior doors or windows by 10 PM every night.
5. Music will be quiet, background level inside the restaurant and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged
6. There will be no televisions and the premises will not operate as a Bar, Tavern or Sports Bar.
7. There will be no all you can eat/all you can drink specials.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a transfer of a Beer and Wine license to **Selayang Corp., d/b/a Nyonya, 199 Grand 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" on the Beer and Wine License.

Vote: Unanimous, with 36 Board members in favor.

**4. Zony Management, Inc., d/b/a Sushi Zo NY, 88 W. 3rd St. 10012** (Beer Wine license, previously licensed location)

**A. Whereas**, the applicant appeared before CB2's SLA Licensing committee to present an application for a restaurant wine license to operate a family-owned Sushi restaurant on West 3<sup>rd</sup> Street between Thompson and Sullivan Streets in a mixed use five story building in a historic district; and

**B. Whereas**, the location was previously operated as a Sushi restaurant (Masa Moto Sushi) with a Beer and Wine license and the applicant plans to continue to operate the new restaurant with the same method of operation, same business hours but with a new trade name; and

**C. Whereas**, the storefront premises is approximately 1,200 SF (600 SF ground floor and 600 SF basement used for storage purposes only), 5 tables with 10 seats, a sushi counter with 10 seats, one bathrooms, one TV and music will be background only; and

**D. Whereas**, the hours of operation for the Restaurant will be from 11 AM to 11:00 PM Sunday through Thursday and from 11 AM to 12 AM on Fridays and Saturdays, the premises will operate as a Sushi restaurant, there will be no sidewalk café, there will be no d.j. or live music, no private parties, there will be no scheduled performances or events with a cover charge; and;

**E. 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 BW license and the stipulations are as follows:

1. The premises will be advertised and operated as a Sushi restaurant.
2. The hours of operation for the restaurant will be from 11 AM to 11 PM Sunday through Thursday and from 11 AM to 12 AM on Fridays and Saturdays.
3. There will no outdoor space and no sidewalk café.
4. No French or accordion style doors will be installed at the premises and the applicant will close all exterior doors or windows by 10 PM every night.
5. Music will be quiet, background level inside the restaurant and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged
6. There will be 1 television only and the premises will not operate as a Bar, Tavern or Sports Bar.
7. There will be no all you can eat/all you can drink specials.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a transfer of a Restaurant Beer and Wine license to **Zony Management, Inc., d/b/a Sushi Zo NY, 88 W. 3rd St. 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” on the Beer and Wine License.

Vote: Unanimous, with 36 Board members in favor.

**5. Nix, LLC d/b/a t/b/a, 72 University Pl. 10003** (transfer of existing OP license, Jackson Diner Corp. #1248680, exp. 02/28/2017).

**A. Whereas**, the applicant appeared before CB2, Manhattan’s SLA Licensing Committee for a transfer of an existing on premise restaurant liquor license to operate a full service American Restaurant in a ground floor storefront of a University Place between East 11th and East 12<sup>th</sup> Streets; and

**B. Whereas**, the applicant’s planned method of operation for the new business will be similar to the existing business at the existing premises, known as the Jackson Diner, a Restaurant that specialized in Indian food; and

**C. Whereas**, the premises is located in a 3,500 SF space (2,000 SF ground level and 1,500 SF basement for storage purposes only) with 20 tables and 60 seats, 1 Bar used as a dining counter with 8 seats for a total interior seating occupancy of 68, two bathrooms and one entrance/exit for patrons; and

**D. Whereas**, the hours of operation will be from 8 AM to 11 PM Sundays through Wednesdays and from 8 AM to 12 AM Thursdays through Saturdays, all doors and windows will be closed by 9 PM every night except for patron egress, music will be quiet background consisting of music from ipod/cd’s; there will be no d.j.s, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes and no movable barriers; and

**E. Whereas**, the applicant met with a local Block Association with respect to its application and agreed upon certain stipulated terms which are, to the most extent, incorporated herein; and

**F. Whereas**, the applicant stated he will take out and remove the French or accordion style doors at the front of the storefront and will replace them with a fixed façade of windows with a single door of egress of patrons; and

**G. Whereas**, the applicant executed a stipulations agreement with CB#2 Man. that they agreed would be attached and incorporated in to their method of operation on their On Premise restaurant license with the SLA and those stipulations are as follows:

1. The premises will be advertised and operate as a full service restaurant serving American fare.
2. There will be only one TV and the business will not operate as a sports bar, tavern or lounge.
3. The hours of operation will be 8 AM to 11 PM Sundays through Wednesdays and from 8 AM to 12 AM Thursdays through Saturdays.
4. No French or accordion style doors will be installed at the premises and the applicant will close all exterior doors or windows by 10 PM every night.
5. There will be no Sidewalk café or outdoor service.
6. There will be no patron use of basement.
7. There will be no all you can drink/all you can eat specials.

8. There will be no dancing, music will be quiet, background only and there will be no d.j.s, live music, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes and no movable barriers.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a transfer of a Restaurant On Premise Liquor License for **Nix, LLC d/b/a t/b/a, 72 University Pl. 10003** **unless** the statements of the applicant as presented to CB2, Man. 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” on its Restaurant On Premise Liquor License.

Vote: Unanimous, with 36 Board members in favor.

**6A. Shemp, LLC, 11 Howard St. aka 138 Lafayette St. 10012** (New OP license, previously unlicensed location).

**A. Whereas**, the applicant appeared before CB2, Manhattan’s SLA Licensing Committee for a new on premise liquor license to operate a café at a ground floor storefront located in a 14 story (circa 1966) full service transient Hotel (Soho Hotel) currently under renovation at the corner of Lafayette and Howard Streets; and

**B. Whereas**, the ground floor premises in question has never been licensed for the service of alcohol or operated as an eating and drinking establishment but instead operated for many years as the ground floor level of a Holiday Inn; and

**C. Whereas**, the same applicant recently applied to the SLA (and appeared before CB2 Man. July/2015) for an On Premise liquor to operate a full service restaurant (Moe Larry Cheese, LLC) located in a storefront next door to the instant cafe, also within the same Hotel, consisting of a 3900 SF ground floor with seating capacity of 118 patrons which had also never been previously been licensed for the service of alcohol or operated as an eating and drinking establishment, but again operated as the ground floor level of a Holiday Inn; and

**D. Whereas**, the applicant’s company has extensive experience in operating restaurants with approximately 35 restaurants in its present portfolio; and

**E. Whereas**, the premises in question will be a 1200 SF (820 SF ground floor and 200 SF second floor for storage purposes only), **there will be no kitchen** with 10 tables and 27 seats, a 17 ft. stand up Bar with 8 seats for a total seating occupancy of 35, two bathrooms and one entrance/exit for patrons, windows will be fixed and will not open, there will be no French or accordion style door that open out to the public sidewalk and there will be no sidewalk café or outdoor space; and

**F. Whereas**, the hours of operation will be from 7 AM to 1 AM Sunday through Wednesday and from 7 AM to 2 AM Thursday through Saturday, music will be quiet background consisting of music from ipod/cd’s; there will be no d.j.s, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes and no movable barriers; and

**G. Whereas**, the applicant submitted a public interest statement indicating the proposed café will feature small plates such as cheeses, sandwiches, specialty hors d’oeuvre and soups as well as an extensive wine and champagne selection while proposing to serve breakfast, lunch and dinner to its patrons; and

**H. Whereas**, there are 9 existing on-premise liquor licenses and three additional pending licenses within 500 ft. of the premises (not including Beer Wine licenses) and 29 on-premise liquor licenses within 750 ft. of the premises; and

**I. Whereas**, some concerns were raised as to whether the public interest was being served by the instant application in that the premises will operate as a bar and/or wine bar without any redeeming or distinguishing characteristics when compared to the multiple bars, lounges and wine bars in its vicinity, which includes sections of Little Italy and Chinatown, and that the proposed café will operate out the same building where the Soho Hotel is currently under renovation and which has proposed plans to alter its existing OP license—which resulted in a deny recommendation from CB2 Man. to the SLA in August/2015—to transform its second floor into a large lounge and drinking establishment with a large 15 seat stand-up bar, 32 tables with 120 seats, supplemented by entertainment level music and live DJs along with a café adjacent to the check-in area of the hotel; and

**J. Whereas**, additional concerns were raised by the transformation of a Holiday Inn into what will be a boutique Hotel greatly expanding its ancillary night-life operations with the addition of three new licensed establishments in a Hotel where no such operation previously existed; and

**K. Whereas**, the establishment which is billed as a café will have no kitchen and is wholly dependent on the kitchen resources of the proposed and separately licensed restaurant next door (Moe Larry Cheese, LLC) which will provide food for the café from a back doorway which is directly connected to the separately licensed restaurant and both proposed establishments share some of the same Principals; and

**L. Whereas**, despite such concerns the operator is known and experienced and no one appeared from the public appeared to voice such concerns about the proposed application even though there has never been an opportunity for those living in the immediate area to experience or comprehend the potential future impact or change to their existing neighborhood from the addition of 3 separately licensed venues operating past midnight; and

**M. Whereas**, the applicant executed a stipulations agreement with CB#2 Man. that they agreed would be attached and incorporated in to their method of operation on their On Premise restaurant license and those stipulations are as follows:

1. The premises will operate as a cafe without a full service kitchen.
2. There will be no TVs and the premises will not operate as a sports bar, tavern, bar or lounge.
3. The hours of operation will be from 7 AM to 1 AM Sunday through Wednesday and from 7 AM to 2 AM Thursday through Saturday.
4. No French or accordion style doors will be installed at the premises and the applicant will close all exterior doors or windows by 10 PM every night.
5. There will be no Sidewalk café or outdoor service.
6. There will be no dancing, music will be quiet, background only and there will be no d.j.s, live music, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes and no movable barriers.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of an On Premise Liquor License for **Shemp, LLC, 11 Howard St. aka 138 Lafayette St. 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” on its On Premise Liquor License.

Vote: **Failed**, with 22 Board members in opposition, and 14 in favor (T. Bergman, D. Borelli, R. Caccappolo, T. Connor, J. Frost, R. Goldberg, A. Meadows, D. Miller, R. Rothstein, S. Russo, R. Sanz, M. Schott, K. Shea, E. Young).

**PLEASE SEE SUBSTITUTE RESOLUTION BELOW.**

**6B. Shemp, LLC, 11 Howard St. aka 138 Lafayette St. 10012** (New OP license, previously unlicensed location).

**A. Whereas**, the applicant appeared before CB2, Manhattan’s SLA Licensing Committee for a new on premise liquor license to operate a café at a ground floor storefront located in a 14 story (circa 1966) full service transient Hotel (Soho Hotel) currently under renovation at the corner of Lafayette and Howard Streets; and

**B. Whereas**, the ground floor premises in question has never been licensed for the service of alcohol or operated as an eating and drinking establishment but instead operated for many years as the ground floor level of a Holiday Inn; and

**C. Whereas**, the same applicant recently applied to the SLA (and appeared before CB2 Man. July/2015) for an On Premise liquor to operate a full service restaurant (Moe Larry Cheese, LLC) located in a storefront next door to the instant cafe, also within the same Hotel, consisting of a 3900 SF ground floor with seating capacity of 118 patrons which had also never been previously been licensed for the service of alcohol or operated as an eating and drinking establishment, but again operated as the ground floor level of a Holiday Inn; and

**D. Whereas**, the applicant’s company has extensive experience in operating restaurants with approximately 35 restaurants in its present portfolio; and

**E. Whereas**, the premises in question will be a 1,200 SF (820 SF ground floor and 200 SF second floor for storage purposes only), **there will be no kitchen** with 10 tables and 27 seats, a 17 ft. stand up Bar with 8 seats for a total seating occupancy of 35, two bathrooms and one entrance/exit for patrons, windows will be fixed and will not open, there will be no French or accordion style door that open out to the public sidewalk and there will be no sidewalk café or outdoor space; and

**F. Whereas**, the hours of operation will be from 7 AM to 1 AM Sunday through Wednesday and from 7 AM to 2 AM Thursday through Saturday, music will be quiet background consisting of music from ipod/cd’s; there will be no d.j.s, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes and no movable barriers; and

**G. Whereas**, the applicant submitted a public interest statement indicating the proposed café will feature small plates such as cheeses, sandwiches, specialty hors d’oeuvre and soups as well as an extensive wine and champagne selection while proposing to serve breakfast, lunch and dinner to its patrons; and

**H. Whereas**, there are 9 existing on-premise liquor licenses and three additional pending licenses within 500 ft. of the premises (not including Beer Wine licenses) and 29 on-premise liquor licenses within 750 ft. of the premises; and

**I. Whereas**, some concerns were raised as to whether the public interest was being served by the instant application in that the premises will operate as a bar and/or wine bar without any redeeming or distinguishing characteristics when compared to the multiple bars, lounges and wine bars in its vicinity,

which includes sections of Little Italy and Chinatown, and that the proposed café will operate out the same building where the Soho Hotel is currently under renovation and which has proposed plans to alter its existing OP license—which resulted in a deny recommendation from CB2 Man. to the SLA in August/2015—to transform its second floor into a large lounge and drinking establishment with a large 15 seat stand-up bar, 32 tables with 120 seats, supplemented by entertainment level music and live DJs along with a café adjacent to the check-in area of the hotel; and

**J. Whereas**, additional concerns were raised by the transformation of a Holiday Inn into what will be a boutique Hotel greatly expanding its ancillary night-life operations with the addition of three new licensed establishments in a Hotel where no such operation previously existed; and

**K. Whereas**, the establishment which is billed as a café will have no kitchen and is wholly dependent on the kitchen resources of the proposed and separately licensed restaurant next door (Moe Larry Cheese, LLC) which will provide food for the café from a back doorway which is directly connected to the separately licensed restaurant and both proposed establishments share some of the same Principals; and

**L. Whereas**, despite such concerns the operator is known and experienced and no one appeared from the public appeared to voice such concerns about the proposed application even though there has never been an opportunity for those living in the immediate area to experience or comprehend the potential future impact or change to their existing neighborhood from the addition of 3 separately licensed venues operating past midnight; and

**M. Whereas**, the applicant executed a stipulations agreement with CB#2 Man. that they agreed would be attached and incorporated in to their method of operation on their On Premise restaurant license and those stipulations are as follows:

1. The premises will operate as a cafe without a full service kitchen.
2. There will be no TVs and the premises will not operate as a sports bar, tavern, bar or lounge.
3. The hours of operation will be from 7 AM to 1 AM Sunday through Wednesday and from 7 AM to 2 AM Thursday through Saturday.
4. No French or accordion style doors will be installed at the premises and the applicant will close all exterior doors or windows by 10 PM every night.
5. There will be no Sidewalk café or outdoor service.
6. There will be no dancing, music will be quiet, background only and there will be no d.j.s, live music, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes and no movable barriers.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial for **Shemp, LLC, 11 Howard St. aka 138 Lafayette St. 10012** on its application for a full restaurant on premises liquor license; and,

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. requests that the SLA conduct a 500 foot hearing because there has never been a full on premise liquor license at these premises at any point in the past; and

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. respectfully requests that Liquor Authority place this matter before the Full Board of the New York State Liquor Authority for consideration at a regularly scheduled meeting should this application be presented to the Liquor Authority so that the Commissioners may review the recommendation of CB#2 Man.

Vote: Passed, with 34 Board members in favor, and 2 in opposition (J. Frost, R. Sanz).

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

**7. Ambleside Partners, LLC d/b/a Pravda, 281 Lafayette St. 10012** (alteration to existing on-premise license) (laid over)

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on October 13, 2015, the principal/applicant requested **to lay over** this application from consideration and did not appear before CB2 regarding its application; and,

**Whereas**, this application is for a on premise liquor license;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any proposed Beer and Wine or On Premise license to **Ambleside Partners, LLC d/b/a Pravda, 281 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.

Vote: Unanimous, with 36 Board members in favor.

**8. 157 Lafayette Café, LLC d/b/a Salon de Lafayette, 157 Lafayette St. 10013** (on-premise-change in hours of operation) (laid over)

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on October 13, 2015, the principal/applicant requested to **lay over** this application from consideration and did not appear before CB2 regarding its application; and,

**Whereas**, this application is for an alteration for an existing on premise license in a previously licensed location;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any proposed Beer and Wine or On Premise license to **157 Lafayette Café, LLC d/b/a Salon de Lafayette** 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 36 Board members in favor.

**9. Akram Restaurant Management, Inc., d/b/a Da Gennaro, 129 Mulberry St. 10013** (on-premise) (laid over)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on October 13<sup>th</sup>, 2015, the Applicant's attorney requested **to lay over** this application for a new beer & wine or on-premise license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise

liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Akram Restaurant Management, Inc., d/b/a Da Gennaro, 129 Mulberry St. 10013** 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 36 Board members in favor.

**10. Mookambika Group Inc., d/b/a Masala Times, 194 Bleecker St. 10012** (Beer Wine, withdrawn)

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on October 13<sup>th</sup>, 2015 the principal/applicant requested to withdraw this application from consideration and did not appear before CB2, Man. regarding its application; and,

**Whereas**, this application is for a Beer/Wine license;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any Beer and Wine or On Premise license to **Mookambika Group Inc., d/b/a Masala Times, 194 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 36 Board members in favor.

**11. Malissa Browne or Legal Entity to be Formed, d/b/a Negril, 70 W. 3rd St. 10012** (Failed to Appear)

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on October 13<sup>th</sup>, 2015, the Applicant failed to appear for this application for an on-premise liquor license and provided no excuse or information to CB2 SLA Licensing Committee as to the reasons why they failed to appear;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Malissa Browne or Legal Entity to be Formed, d/b/a Negril, 70 W. 3rd 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 36 Board members in favor.

**12. Phil Alotta or an entity to be formed, 310 Spring St. 10013** (withdrawn-will resubmit)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on October 13<sup>th</sup>, 2015, the Applicant's attorney requested to withdraw this application for a new on-premise liquor license

and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Phil Alotta or an entity to be formed, 310 Spring St. 10013** 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 36 Board members in favor.

**13. San Remos Group One, LLC, d/b/a Corp to be formed by Benjamin Kotler, 201 Lafayette St. 10012** (laid over)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on October 13<sup>th</sup>, 2015, the Applicant's attorney requested to lay over this application for a new on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Phil Alotta or an entity to be formed, 310 Spring St. 10013** 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 36 Board members in favor.

**14. James Perse, d/b/a James Perse, 368 Bleecker St. 10014 (New TW - café within retail store)**

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a new tavern wine license for a "retail store that will have a café on the lower floor where will [sic] serve drinks and snacks to our customers during business hours"; and,

**ii. Whereas**, this application is for a tavern wine license for a small café approximately 400 sq. feet located in the basement of a retail store, the retail store is located in a mixed use building and the store is roughly 6,200 sq. ft premise (1,300 sq. ft. ground floor and 5,000 sq. ft. basement), the café will have 1 table with 4 seats and 1 standup bar with 5 seats for a total of 9 seats in the cafe, a certificate of occupancy was provided showing that this use is allowed in the basement; and,

**iii. Whereas**, the hours of operation will be Sunday from 12PM to 6PM and Monday to Saturday from 11AM to 8PM (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 8PM every night and anytime there is amplified music,

there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no TV's; and,

**iv. Whereas,** the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the tavern wine license stating that:

1. The premises will be advertised and operated as a retail store with a very small café in the basement serving beer, wine and snacks and in addition the operation will conform to materials submitted to CB2. The Café kitchen will remain open and full menu items will be available until closing every night.
2. The hours of operation will be from Sunday from 12PM to 6PM and Monday to Saturday from 11AM to 8PM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The Premises will close all doors and windows at 8PM every night and any time there is amplified music.
10. The Licensee will confine beer and wine service to the basement only within the café area as demarcated in diagrams provided to CB2. There will be no service, consumption or patron eating and drinking in any other area of the store.
11. There will be no private parties.
12. There will be no service ever beyond stated hours of operation.
13. The Licensee will never seek to upgrade the license to a full on-premise liquor license ever.

**v. Whereas,** the Applicant provided a petition in support and did contact the local block association, 4 residents, 1 representing the local block association, appeared in strong opposition to the application citing the large number of existing licenses in the area, that retail stores do not need to have cafes located within them as there are plenty of other local establishments that provide similar services, that the precedent of retail stores possessing tavern wine licenses would only encourage this trend to expand which would have a deleterious effect on the quality of life for area residents, that Charles Street is a residential street, that the previous use of the space when it was a licensed premises created a significant impact on the quality of life of local residents; and,

**vi. Whereas,** there are currently approximately 11 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new tavern wine license for **James Perse, d/b/a James Perse, 368 Bleecker St. 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Tavern Wine License.

Vote: Passed, with 34 Board members in favor, and 2 in opposition (T. Connor, S. Russo).

**15. Chumley's 86, LLC, d/b/a Chumley's, 86 Bedford St. 10014 (New OP)**

**i. 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 "restoration and revival of a historical NYC landmark and speakeasy" of which various iterations have existed at this location since 1922, but has been closed since April/2007 due to a partial building collapse; several applications have been presented to the Liquor Authority since 2007, however due to the passage of time during the renovation work, no license has yet been issued; and,

**ii. Whereas**, this application is for a new restaurant on-premise liquor license for a location in a mixed-use building located on Bedford St between Barrow St. and Grove St. for a roughly 1,900 sq. ft. premise (1,380 sq. ft. first floor patron use, 500 sq. ft. basement no patron use) with 17 tables and 58 seats and 1 stand up bar with 12 seats for a grand total of 70 interior seats, a new Certificate of Occupancy or equivalent will be provided prior to re-opening the establishment; and,

**iii. Whereas**, the hours of operation for the interior of the premises will be 11AM to 12AM Sunday to Thursday and 11AM to 1AM Friday to Saturday (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at all times, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**iv. Whereas**, the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant on-premise liquor license stating that:

1. The premises will be advertised and operated as a restaurant and historic speakeasy.
2. The hours of operation will be Sunday to Thursday from 11AM to 12AM and Friday to Saturday from 11AM to 1AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a "lounge", tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have no more than 1 television less than 50 inches in size. There will be no projectors.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The Licensee will obtain all required certificates, permit and related documents including a revised Certificate of Occupancy.
10. All Doors and Windows will be closed at all times.
11. The kitchen will remain open until closing time.
12. There will be security in front of and inside the premises at all times 7 days a week.
13. The Licensee will provide an approved Certificate of Occupancy prior to the issuance of SLA license.

14. Patron ingress and egress will only occur only from the 86 Bedford St. entrance.
15. The rear courtyard door will be for emergency egress only.
16. The premises and all mechanicals will comply with all NYC Noise Codes.
17. The Licensee will agree to these stipulations provided CB2 does not oppose the Application.

**v. Whereas**, the Applicant has been reaching out to local residents for many years in anticipation of re-opening Chumley's at this location and a number of petitions in support of the application have been presented; and,

**vi. Whereas**, CB2, Man. received many letters in support and opposition from local residents, petitions in support and opposition were presented and a number of people appeared at the October 15, 2015 committee meeting to share their thoughts in support and opposition; in addition a letter in support from the local block association, the Bedford Barrow Commerce Block Association was received; and,

**vii. Whereas**, those in support stated among other things that Chumley's is a part of the fabric of this Community, immediate neighborhood, the West Village and New York City, that this has been the location of the Chumley's since 1922, that there is a long unique history associated with the establishment, that this is a neighborhood institution with close ties to the community, that the circumstances under which it closed are of no fault of the operator and due to a partial building collapse, that the applicant had been pursuing reopening at the location since the day of the building collapse, that the location provided an affordable option in a neighborhood with increasingly more expensive restaurants, many attested to the good character of the principles; and;

**viii. Whereas**, those in opposition, most of whom lived in the very immediate area adjacent to the premises, were concerned about the operation of a bar being located on a narrow street surrounded by residential neighbors living on all sides the premises contributing to late night noise from unruly patrons smoking outside the premises and exiting late in the night disrupting and encroaching upon what is currently a quiet street in a residential neighborhood, explaining how the neighborhood has changed since the business was closed in 2007, provided photographs of an extensive system of mechanical systems recently installed upon the rooftop of the low lying three story building that never previously existed in 2007, demonstrating concern that such systems being surrounded by bedroom windows and the living quarters of people living in the adjacent buildings will suffer additional noise and noxious exhaust and smells coming from those systems which have never been turned on or tested, that the historical importance of Chumley's has long since past and no longer establishes a sufficient predicate for permitting a bar to exist in the middle of such an intimately situated residential neighborhood ; and,

**ix. Whereas**, there were yet other neighbors who were receptive to the idea that Chumley's would be reopening in their neighborhood but sought to compromise with the operator by requesting certain limitations in its proposed late night operating hours so that it could be more consistent with the other eating and local drinking establishments in the area, most of which closed by 11 PM during the week and by midnight on the weekends; and

**x. Whereas**, the applicant agreed to a number of stipulations outlined above in response to many of the concerns of those in opposition including a reduction of operating hours, no use of the rear entrance for regular patron use which was a past source of concern, that there would be security present at the establishment in the evenings 7 days a week, that all required certifications would be in place prior to opening and that they would adhere to all NYC noise codes; additionally the principal stated a willingness to work with neighbors directly in relation to the new mechanicals associated with the restaurant, but stated that many of the mechanicals were for the residential portion of the building or other uses not

related to Chumley's, but he would still work directly with local residents and distributed his phone number at the meeting;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of a new Restaurant On Premise Liquor License for **Chumley's 86, LLC, d/b/a Chumley's, 86 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 above are incorporated into the "Method of Operation" on the SLA Restaurant On Premise Liquor License.

Vote: Passed, with 25 Board members in favor, 7 in opposition (K. Berger, T. Bergman, A. Brandt, T. Connor, S. Gammie, A. Meadows, F. Sigel), and 2 abstentions (R. Chattree, S. Secunda).

**16. While We Were Young, LLC, 183 W. 10th St. 10014 (New OP)**

**i. Whereas**, the applicant appeared before CB2's SLA Licensing committee to present an application for a new on-premise liquor license to operate a bar/restaurant in a ground floor storefront for a "restaurant serving contemporary American fare and craft cocktails with a strong focus on health conscious menu options"; and,

**ii. Whereas**, the premises is located in a 5 story mixed use residential building located on West 10<sup>th</sup> St. between West 4<sup>th</sup> St. and 7<sup>th</sup> Ave South in a 515 sq. ft. space with 7 tables and 16 seats and 1 stand up bar with 6 seats; and,

**iii. Whereas**, the hours of operation will be Sunday to Wednesday from 12Pm to 12AM and Thursday to Saturday from 12PM to 2AM (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 10PM every night and anytime there is amplified music, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no TV's; and,

**iv. Whereas**, the previous entity at this location operated as a quiet restaurant with a restaurant wine license only; and

**v. Whereas**, there are already two other existing on-premise liquor licenses in the same building and 36 on-premise liquor licenses within 500 feet, the two existing licenses in the building have both generated noise related complaints from residents of the building and other neighbors; and,

**vi. Whereas**, this area has seen a recent growth in on-premise liquor licenses and beer and wine restaurants and this type of concept, high end "curated" cocktails matched with dishes created from "health conscious" foods is widely available and certainly not unique in this area; and,

**vii. Whereas**, one of the proposed 5 principals of the premises who live across the street presented a petition in support with signatures obtained primarily while he waited in the vicinity of the local gym and while walking his dog; and,

**viii. Whereas**, a number of residents of the building in which the proposed premises is located appeared and presented a petition in opposition from the buildings Tenant Association which was signed by 70% of the residents in the building (9 units of the 13 unit building), the petition specifically indicates that two of the three commercial units in the building already have on-premise liquor licenses, that this is the only commercial storefront on the block that does not already have an on-premise liquor license, that there is

already significant pedestrian congestion from the existing on-premises liquor licensed venues and this would only further add to the pedestrian and vehicular congestion, that the existing noise level would also increase dramatically from a full block of having every storefront licensed with a full on-premises liquor license, that this would be the 9<sup>th</sup> liquor license at this intersection; the residents also stated that the tenement style building also did not have sufficient sound proofing and it was difficult to understand how the applicant could promise a fully soundproofed establishment when so far this is not the case with the other 2 establishments in the building; and,

**ix. Whereas**, several other residents submitted letters in opposition and several also appeared in opposition further stating that the class and character of the existing establishments in the area precluded any uniqueness of the this establishment, that this new establishment would only serve to further exacerbate the existing noise level and vehicular and pedestrian traffic; it was further pointed out that CB2 has been on record citing issues with business in the immediate one block radius in resolutions submitted to the Liquor Authority and that CB2, Man. has received complaints regarding many of the immediate businesses and their impact on quality of life in the immediate area in particular as they relate to noise and rowdy patrons;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial to **While We Were Young, LLC, 183 W. 10th St. 10014** on its application seeking a new on-premise liquor license; and

**THEREFORE BE IT FURTHER RESOLVED** that should this application be considered by the Liquor Authority, CB#2, Man, respectfully requests that this item be calendared to appear before the Full Board of the Authority and that CB2 be notified in advance of the meeting.

Vote: Unanimous, with 36 Board members in favor.

**17. Hudson Gastro Pub, LLC, 131 Christopher St. 10014 (New RW)**

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a restaurant wine license for a “chef driven restaurant with importance placed on catering to the local community; regionally sourced ingredients are cornerstones of a menu that features variations on classic dishes”; the applicant had previously appeared before CB2, Man. for the same location with an application for a restaurant on-premise liquor license for which CB2, Man. had recommended denial; and,

**ii. Whereas**, this application is for a restaurant wine license for a premises located in a mixed-use building with 10 tables and 26 seats and 1 standup bar with 12 seats for a total of 38 seats, there is a temporary certificate of occupancy; and,

**iii. Whereas**, the hours of operation will be Sunday to Thursday from 12Pm to 1AM and Friday and Saturday from 12PM to 2AM (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 10PM every night and anytime there is amplified music, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no TV’s; and,

**iv. Whereas**, the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant wine license stating that:

1. The premises will be advertised and operated as a chef driven restaurant catering to the local community using regionally sourced ingredients.
2. The hours of operation will be Sunday to Thursday from 12Pm to 1AM and Friday and Saturday from 12PM to 2AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have no more than 1 television, which will be no larger than 46 inches.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The Premises will close all doors and windows at 10PM every night and anytime there is amplified music.
10. The one television will be utilized only for special events. There will be no sporting events shown.

**v. Whereas**, the Applicant provided a petition in support and had previously contacted the local block association when they previously applied for a full on-premise liquor license which CB2, Man. had recommended denial; and,

**vi. Whereas**, there are currently approximately 16 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new tavern wine license for **Hudson Gastro Pub, LLC, 131 Christopher St. 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Tavern Wine License.

Vote: Unanimous, with 36 Board members in favor.

**18. Le Pain Quotidien, 375 Hudson St. 10014 (New OP)**

**i. 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 “well known Belgium style bakery/café/restaurant”; and,

**ii. Whereas**, this application is for a new restaurant on-premise liquor license for a location in an 18 story commercial office building located on Hudson St. between King St. and West Houston St. for a roughly 2,992 sq. ft. premise with 37 tables and 108 seats, there is no stand-up bar, there will be a service bar only, there is an existing Certificate of Occupancy; and,

**iii. Whereas**, the hours of operation for the premises will be from 7:30AM to 8PM 7 days a week (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 8PM every night and anytime there is amplified music, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no TV’s; and,

**iv. Whereas**, the Applicant executed a stipulations agreement with CB2 that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant on-premise liquor license stating that:

1. The premises will be advertised and operated as a Belgium style bakery/café/restaurant with the Kitchen open and full menu items available until closing every night.
2. The hours of operation will be from 7:30AM to 8PM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The Premises will close all doors and windows at 8PM every night and anytime there is amplified music.
10. There will be no Stand-up Bar.

**v. Whereas**, the Applicant operates about 45 similar locations within New York City and of those there are 6 on-premise liquor licenses and the rest are restaurant wine licenses, this location is within a commercial building and the service of liquor will be very limited for example bloody Mary’s with brunch and the license will primarily be used for catering in surrounding office buildings; alcohol sales comprise less than 1% of sales for all of their operating restaurants;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant On Premise Liquor License for **Le Pain Quotidien, 375 Hudson 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 above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 36 Board members in favor.

**19. Bobwhite Convert, LLC d/b/a Bobwhite Counter, 57 7th Ave. So. 10014 (New OP)**

**i. 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 “Southern style restaurant focused on fried chicken and hospitality”; and,

**ii. Whereas**, this application is for a new restaurant on-premise liquor license for a previously licensed location in a mixed use building located on 7<sup>th</sup> Avenue South between Bleecker St. and Morton St. for a roughly 600 sq. ft. premise (300 sq. ft. first floor for patron use, 300 sq. ft. basement with no patron use) with 1 tables and 4 seats, and 2 seating counters with 9 seats for a total of 13 interior seats, the applicant states that there is also an existing exterior DCA Licensed Sidewalk Café with 10 tables and 30 seats but did not provide a copy of the sidewalk café license, which he states will be assigned to him from the

current operator; there is no existing Certificate of Occupancy, but the applicant will provide a letter of no objection; and,

**iii. Whereas,** the hours of operation for the interior of the premises will be Sunday to Thursday from 8AM to 12AM and Friday to Saturday from 8AM to 2AM (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 10PM every night and anytime there is amplified music, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no TV's; and,

**iv. Whereas,** the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant on-premise liquor license stating that:

1. The premises will be advertised and operated as a Southern style restaurant focused on fried chicken with the Kitchen open and full menu items available until closing every night.
2. The hours of operation will be Sunday to Thursday from 8AM to 12AM and Friday to Saturday from 8AM to 2AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a "lounge", tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The Premises will close all doors and windows at 10PM every night and anytime there is amplified music.
10. There will be table service/waiter service in the sidewalk café (no self service).
11. The sidewalk café will be closed at 11PM 7 days a week – No patrons will remain in the sidewalk café after 11PM.
12. There will be no Stand-up Bar in the premises – there will be a service bar only.

**v. Whereas,** the Applicant presented a number of letters in support and reached out to a number of local block associations, the operator operates a similar establishment in CB3, Manhattan and submitted a letter indicating there were no complaints; CB2, Man. has always had a longstanding concern with restaurants which have a larger number of outdoor seats in relation to their indoor seating as exists in this situation and explained those concerns to the operator who agreed to close his sidewalk café by 11PM 7 days a week; and,

**vi. Whereas,** there are currently approximately 14 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant On Premise Liquor License for **Bobwhite Convert, LLC d/b/a Bobwhite Counter, 57 7th Ave. So. 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the "Method of Operation" on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 36 Board members in favor.

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

**20. Waxstone NYC, LLC, d/b/a TBD, 113 Horatio St. 10014 (New OP)**

**Whereas**, following this month's CB2, Manhattan's SLA Licensing Committee Meeting on October 15<sup>th</sup>, 2015, at which the committee voted to recommend denying the application to the full board of CB2, Manhattan, the Applicant's attorney requested to **lay over** this application for a new restaurant on-premise liquor license and the Applicant will re-present the application to CB2's SLA Licensing Committee on November 10<sup>th</sup> or 12<sup>th</sup>, 2015; the Applicant has further agreed to meet with area stakeholders to discuss the method of operation for the referenced premises in the interim time period and the Applicant has also agreed not to file for a new on-premises liquor license with the Liquor Authority until after presenting before CB2 in November/2015;

**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, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Waxstone NYC, LLC, d/b/a TBD, 113 Horatio St. 10014** **until** the Applicant has re-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 36 Board members in favor.

**21. High Restaurant, LLC, d/b/a Santina, 820 Washington St. (OP Alteration - expand existing outdoor seating area - Withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on October 15<sup>th</sup>, 2015, the Applicant's attorney requested to **withdraw** this application for an alteration application for an existing restaurant on-premise liquor license to expand the existing outdoor seating area and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed alteration to any existing on premise liquor license, corporate change, class change, transfer, or changes to any existing license for **Highline Restaurant, LLC d/b/a Santina, 820 Washington St. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2, Man. has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, Man. 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 36 Board members in favor.

**22. Wild Kitchen Corp, 1 University Pl. 10003 (New RW – Failed to appear)**

**Whereas**, the Applicant **failed to appear** before CB2, Manhattan's SLA Licensing Committee Meeting on October 15<sup>th</sup>, 2015 after having submitted a "30 Day Notice" to CB2, Man. for a new restaurant wine

license and having been placed on CB2's SLA Licensing Committee's Agenda in October 2015, the applicant subsequently notified CB2, Man. that they wished to layover this application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any proposed new restaurant wine, tavern wine, eating place beer, on premise liquor license, corporate change, class change, transfer, or upgrade to any existing license for **Wild Kitchen Corp, 1 University Pl. 10003** 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 36 Board members in favor.

### **23. El Tajin, LIC, 45 W. 8th St. 10011 (New OP - Withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on October 15<sup>th</sup>, 2015, the Applicant's attorney requested to withdraw this application for a new restaurant on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**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, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **El Tajin, LIC, 45 W. 8th 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 36 Board members in favor.

## **TRAFFIC AND TRANSPORTATION**

### **1. Resolution requesting relocation of the Citi Bike installation on Elizabeth St. near Hester St.**

**Whereas** the Citi Bike installation on the southeast side of Elizabeth St. near Hester St. (bet. Hester and Canal Sts.) takes up a hefty amount of street space on a very narrow street, triggering several different safety hazards, among them:

- The installation is in three different sections with stations for 8, 15 and 8 (total: 31) bikes necessitating heavy steel frames and connectors between the stations, causing pedestrian tripping and falling problems and obstructions.
- Difficulty cleaning these stations and their conduits from snow and maintaining them through other bad weather causes puddles and slippery street conditions that endanger not only pedestrians, but bicyclists and motorists alike.
- Although no parking is allowed on the west side of the street, vehicles continually park there, including cars and trucks, many for commercial deliveries and pickups, some for much longer terms, creating one very narrow vehicular traffic lane in the middle with scarce room for trucks to pass which often brush up against the bike stations' flexible bollards, adding to the dangerous conditions.
- The one narrow moving lane makes it difficult for ambulances, fire trucks and other emergency

vehicles to get through; and

**Whereas** the street is heavily occupied by seniors, who don't use Citi Bike, but are highly vulnerable to falling and suffering serious injuries from those falls; and

**Whereas** many people have fallen and been injured with the Citi Bike installation, the most recent on Sept. 13, 2015 when a man tripped and was badly hurt and bloodied. It took the police 45 minutes to get through the narrow and traffic-blocked street to reach him; and

**Whereas** letters were received and a number of people from the surrounding community came to ask for relief from the existing conditions and to move the Citi Bike installation to another location; and

**Whereas** most of the Citi Bike users at this installation are not from the immediate neighborhood; and

**Whereas** Citi Bike stations are not attached to the ground (but held down by heavy steel plates), so they can be easily moved around;

**Therefore be it resolved** that CB2, Man. requests that the New York City Department of Transportation (DOT) remove the Citi Bike station installation on the southeast side of Elizabeth St. near Hester St. (bet. Hester and Canal Sts.) and relocate it elsewhere; and

**Be it further resolved** that CB2, Man. asks DOT to consider the following possible locations for transfer of the installation (suggested by the community): Forsyth Street Plaza (bet. Christie St. and the Bowery); Centre St. bet. Broome and Grand Sts. (Old Police Headquarters); Chrystie St. outside Sara Delano Roosevelt Park.

Vote: Unanimous, with 36 Board Members in favor.

**2. Resolution requesting authorized commuter van pick up and drop off signs with two designated parking spots on the northeast side of Elizabeth St. at the corner of Elizabeth and Hester Streets.**

**Whereas** Transxpress Services, Inc., J & HE Transportation, Inc. and BQE Bus Service, Inc. have requested authorized pick up and drop off signs for two designated parking spots on the northeast side of Elizabeth St. at the corner of Elizabeth and Hester Streets to accommodate their commuter vans that have operated at that corner with a DOT convenience permit licensed by the Taxi Limousine Commission for over 16 years; and

**Whereas** these vans provide transportation from Chinatown to Flushing, Sunset Park and Elmhurst to commuters, many of whom couldn't easily access public transportation and otherwise would undergo lengthy travel times, from 5:30- 6:00 a.m. for approximately 18 hours a day; and

**Whereas** 1,800 passengers are carried per day, with accommodations for 15 people per van; and

**Whereas** there is no public surface transit in this area, and these vans fill a needed transportation gap, especially for those who can't walk long distances and have difficulty navigating the subway system; and

**Whereas** the van operators indicate that pick ups and drop offs are speedy; when one van is full, another van is radioed, so there's no waiting and backup, and therefore no idling; and

**Whereas**, after surveying the Elizabeth/Hester St. site, the New York City Department of Transportation concluded in favor of the requested pick up and drop off location; and

**Whereas** 21 letters of support were submitted by local businesses on Elizabeth St. and Hester St., and a large number of people from the area showed up expressing their support;

**Therefore be it resolved** that CB2, Man. supports and requests that two van length (approximately 18 ft.) commuter van parking spots be designated with pick up/drop off signage saying “Commuter Van Stop” on the northeast side of Elizabeth St. at the corner of Elizabeth and Hester Streets, and that the signage include “No Standing Anytime” regulations with arrows pointing to the area between the commuter van spaces and the “No Parking 9:00 a.m.-7:00 p.m.” regulations on the same side of the street.

Vote: Unanimous, with 36 Board Members in favor.

### **3. Resolution requesting a full split phase traffic light cycle and other traffic safety measures at the intersection of Houston and West Sts.**

**Whereas** crossing West St. at Houston St. is extremely hazardous at this busy, multi-trafficked and confusing intersection that has a pedestrian crosswalk only on its north side; and

**Whereas** pedestrian/bicycle/motor vehicle conflicts occur regularly, all exacerbated by several unsafe conditions, including:

- Cars and numerous heavy trucks quickly and aggressively turn right (north) from Houston on to West St. at the same time pedestrians are crossing on West St.
- Cars and trucks leaving Pier 40 (on the west side of West St.) turning left to also then drive north on West St. similarly endanger pedestrians crossing on West St. at the same time.
- The short delay that allows vehicles coming south on West St. to turn left to head east across West St. on Houston St., while also allowing pedestrians and bicyclists to cross on West St. at the same time, is not long enough to provide ample time for crossing West St. before traffic from Houston is released to turn north onto West. (People need more time to cross that large West St. expanse).
- Bicyclists on the Hudson River Park bike path aren't motivated to stop at the red light, because the traffic from Pier 40 has a delay in sync with the Houston St. traffic.
- There is a narrow center median on West St. where people crossing often get stuck and proceed without awareness of approaching traffic and its direction.; and

**Whereas** there is an unused lane next to the curb on the east side of West St. from Houston to Clarkson St. that enhances the wideness of the crossing; and

**Whereas** this dangerous West St. crossing is heavily used daily and all day long (from at least as early as 9:30 a.m. to midnight) by a great number of pedestrians of all ages accessing Pier 40 and the Hudson River Park, in particular an exceptionally large amount of children coming from schools, Little League, with families, several non-profit groups (all very vulnerable populations needing protective safety measures); and

**Whereas** a great many emails were received and several community members came to testify to the perils of the West St. at Houston St. crossing, citing several close calls and near misses in trying to get across West St. (with the green light signaling “walk”) while having to dodge fast-moving, non-stop traffic turning in from Houston St., accompanied by their entreaties for measures to ensure pedestrian safety;

**Therefore be it resolved** that CB2, Man. urges the NYC Department of Transportation (DOT) to change the traffic light signal phasing at the intersection of West and Houston Sts. to a full split phase cycle that allows for a separate, conflict-free pedestrian crossing on West St., so that crossing pedestrians and turning vehicles don't get green "go" signals at the same time there, but instead an exclusive green light phase for pedestrians crossing West St. that operates concurrently with a red right-turn arrow on Houston St. preventing vehicles from turning right/north from Houston St. on to West St. at the same time pedestrians are crossing, but allowing through traffic to proceed west to Pier 40 and east on Houston St. with a simultaneous green light (forcing bicyclists to stop at the north-south red signal). This also should include more dedicated green time to allow pedestrians extra time to cross West St. while shortening the length of green time given to automotive traffic turning from Houston onto West St.; and

**Be it further resolved** that CB2, Man. asks DOT to install corner sidewalk extensions (neckdowns) with gravel and flexible delineators at the northeast corner of Houston and West Sts., to provide more pedestrian space, slow down right turns and shorten the West St. crossing; and

**Be it further resolved** that CB2, Man. asks that DOT extend the sidewalk with gravel and flexible delineators into the unused lane next to the curb on the east side of West St. from Houston to Clarkson St.; and

**Be it further resolved** that CB2, Man. requests that the center median on West St. be widened (without interfering with the bike lane) and flexible delineators or bollards be installed to define the pedestrian crossing; and

**Be it further resolved** that CB2, Man. asks DOT to evaluate installing a Barnes Dance as a possible alternative solution; and

**Be it further resolved** that CB2, Man. asks DOT to consider doing a walkthrough of the site in question with CB2 and other community representatives to review the potential application of the recommendations presented herein; and

**Be it finally resolved** that CB2, Man. requests that the NYC Police Department assign traffic enforcement agents to monitor this dangerous Houston and West St. intersection on a regular basis and enforce safety regulations.

Vote: Unanimous, with 36 Board Members in favor.

Respectfully submitted,

Keen Berger  
Secretary  
Community Board #2, Manhattan