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## COMMUNITY BOARD NO. 2, MANHATTAN

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

### FULL BOARD MINUTES

**DATE:** September 20, 2012  
**TIME:** 6:00 P.M.  
**PLACE:** St. Anthony's Church, (lower hall), 151-155 Sullivan Street

**BOARD MEMBERS PRESENT:** Susanna Aaron, Keen Berger, Tobi Bergman, Carter Booth, Anita Brandt, William Bray, Sigrid Burton, Heather Campbell, Denise Collins, Terri Cude, Coral Dawson, Maria Passanante Derr, Doris Diether, Cristy Dwyer, Robert Ely, Joshua Frost, Alison Greenberg, Sasha Greene, David Gruber, Chair; Anne Hearn, Susan Kent, Janine Kiely, Arthur Kriemelman, Dodge Landesman, Raymond Lee, Edward Ma, Jason Mansfield, Jane McCarthy, Florent Morellet, Judy Paul, Lois Rakoff, Robert Riccobono, Robin Rothstein, Rocio Sanz, Wendy Schlazer, Maury Schott, Shirley Secunda, Federica Sigel, Chenault Spence, Richard Stewart, Sean Sweeney, Susan Wittenberg, Antony Wong, Robert Woodworth, Elaine Young

**BOARD MEMBERS EXCUSED:** Richard Caccappolo, Lisa Cannistraci, Pier Consagra, Jo Hamilton, Alexander Meadows

**BOARD MEMBERS ABSENT:** Gideon Gil, Arthur Z. Schwartz

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

**GUESTS:** Katie Smith, Congressman Jerrold Nadler's office; Robert Atterbury, Senator Tom Duane's office; Mary Cooley, Senator Daniel Squadron's office; Hannah Friedman and Lin Zeng, Man. Borough President Scott Stringer's office; Sarah Malloy-Good, Assembly Member Deborah Glick's office; John Ricker, NYC Comptroller's office; Allie Nudelman, Council Speaker Christine Quinn's office; Victoria Hervas, Council Member Rosie Mendez's office; Matt Viggiano, Council Member Margaret Chin's office; James Tiong, Salim Bhai, Sally Davis, Melissa Fischetti, Sybil H. Kossack, Chris Lee, Sophie Saryn, Phil Sieverding, Jenny Ng, Meredith Nowikowski, Mary Johnson, Luke Surowiec, Neil Weisbard, Andrea Petrilli, Diana Lin, Edward Chen, Stefan Ghica, Freiderick Martini, David Mullen, Frank Palillo, Richard Lobel, Julie A. McConnell, David Schanoes, Olivia Meegoda, Kristin Catrone, Zella Jones, Sophia Rosenbaum, Mahmood, Brett Nidel, M. Saleem, Joseph Manoleas

### MEETING SUMMARY

Meeting Date –September 20, 2012  
Board Members Present – 42  
Board Members Excused– 5  
Board Members Absent - 2

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**II. PUBLIC SESSION**

**Non-Agenda Items**

Meat Packing District Improvement Association

Meredith invited everyone to the upcoming Harvest Fest Event.

Children's Halloween Parade

Joseph Manoleas invited everyone to the upcoming Children's Halloween Parade.

Clean Heat Program

Luke Surowiec spoke regarding this program.

Bellevue Hospital

Lois Rakoff spoke regarding the hospital's program regarding environmental health concerning individuals' health affected by the World Trade Center tragedy.

**Land Use and Business Development Items**

153 Elizabeth Street to modify height and setback regulations within the Special Little Italy District

Brett Nidel spoke in favor of the modification in the application.

**Sidewalks, Public Facilities & Access Items**

Newsstand northeast corner of Lafayette St. & E. Houston St.

M. Saleem, David Mullen, Fred Martini, and Salim spoke against the proposed newsstand.

Neil Weisbard spoke regarding the proposed newsstand.

**SLA Licensing Items**

The Brick Cellar, 100A 7<sup>th</sup> Ave. South

Frank Palillo, representing the applicant, spoke in favor of the liquor license renewal.

**III. ADOPTION OF AGENDA**

**IV. ELECTED OFFICIALS PRESENT AND REPORTING**

Katie Smith, Congressman Jerrold Nadler's office

Robert Atterbury, Senator Tom Duane's office

Mary Cooley, Senator Daniel Squadron's office;

John Ricker, NYC Comptroller's office;

Hannah Friedman and Lin Zeng, Man. Borough President Scott Stringer's office

Sarah Malloy-Good, Assembly Member Deborah Glick's office

Allie Nudelman, Council Speaker Christine Quinn's office

Matt Viggiano, Council Member Margaret Chin's office;

Victoria Hervas, Council Member Rosie Mendez's office,

**V. ADOPTION OF MINUTES**

Adoption of June minutes and distribution of July minutes.

**VI. EXECUTIVE SESSION**

1. **Chair's Report** David Gruber reported

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

**STANDING COMMITTEE REPORTS**

**LANDMARKS AND PUBLIC AESTHETICS**

**The following resolutions were voted on at the August Executive Committee meeting and adopted at the September Full Board meeting:**

**1<sup>ST</sup> LANDMARKS MEETING**

**1. Proposed designation by the Landmarks Preservation Commission of 124 Bowery (aka 124 - 126 Bowery, 230 Grand St.)**

**Whereas**, this building, the Bowery Bank of New York, certainly has the style and detail to qualify as a Landmark for New York City,

**Therefore Be It Resolved** CB#2, Man. is pleased to support its designation as an individual landmark, but

CB#2, Man. is very concerned that these applications come to us at the last minute and no one comes to present information on the design and appropriateness of the buildings proposed,

**Therefore Be It Further Resolved** that CB#2, Man. requests that all such future applications have a presentation before the Community Board before the final designation by the Landmarks Commission.

Vote: Unanimous, with 42 Board members in favor.

**2. 430 West Broadway** – SoHo Cast Iron Historic District Extension. A contemporary building designed by Arped Baksa & Associates & built in 1986. Application is to install storefront infill.

**Whereas**, the proposal is to move the present store windows forward so that they are only 18” back from the building line, and

**Whereas**, all four windows will be clear glass, with two sections at the center patterned glass to partially obscure the central staircase, and

**Whereas**, this design unifies the look of the building,

**Therefore Be It Resolved** CB#2, Man. recommends approval of this proposal for 430 West Broadway.

Vote: Unanimous, with 42 Board members in favor.

**3. 382 West Broadway** – SoHo Cast Iron Historic District Extension. A one-story commercial building designed by Shapiro Lawn Associates & built in 1984. Application is to install a marquee and paint the façade.

**Whereas**, the proposal is to repaint the façade of this building black, and

**Whereas**, it is proposed to add a marquee to this rather modern building, the marquee occupying the center portion of the building only, and

**Whereas**, the proposed marquee would be 23’ long, extending out 4’ from the front of the building at a slant, with signage (bronze letters and designs), along the steel flap of the marquee, and

**Whereas**, the marquee would be hung from the façade of the building with chains, painted black to match the proposed black color of the façade, and

**Whereas**, the lighting would be by small fixtures under the marquee, and

**Whereas**, this proposal would add interest to this building,

**Therefore Be It Resolved** CB#2, Man. recommends approval of this proposal for 382 West Broadway.

Vote: Unanimous, with 42 Board members in favor.

**4. 726 Broadway** – NoHo Historic District. A neo-Classical style garage, factory & warehouse building built in 1917-19 designed by Wm. Steele & Sons Co. with a c. 1980 rooftop addition. Application is to establish a Master Plan governing the future installation of roof-top mechanical equipment.

**Whereas**, this former industrial building which New York University plans to turn into classrooms and labs will need additional mechanical equipment and since it cannot be extended downward at the cellar level because it has subway lines on either end of the building it would like to put the equipment on the roof, and

**Whereas**, the proposal is to add mechanical equipment on the roof, with setbacks from the Broadway façade of 20’ and 25’ and three setbacks on the Lafayette side with the building heights at the setbacks of 15’ high, 25’ high, and finally 40’ high, with the overall height of the addition 40’ high after the setbacks on each street, and

**Whereas**, we were told the structure would be completely enclosed, but the photos seemed to show exhausts outside the enclosure and when questioned the applicant seemed to indicate that this was correct, the exhausts would have to be open to the air, and

**Whereas**, the applicant brought nothing showing what the addition would look like, or the materials or colors, and the presentation was very inadequate. All we were shown were sketches or photos of the outline of the mock-up, and

**Whereas**, the mock-up was very visible from several angles and views, and one of the criteria we were always told to consider was whether the addition was visible and that minimum visibility was required,

**Therefore Be It Resolved** CB#2, Man. strongly recommends denial of this application for 726 Broadway.

Vote: Unanimous, with 42 Board members in favor.

**5. 58-60 West 8 St.** – Greenwich Village Historic District. A Greek Revival style double apartment house built before 1854. Application is to replace shopfront.

**Whereas**, this is an application for a new storefront for only 60 West 8 St., and

**Whereas**, the proposal is for metal framing surrounding a wooden and glass storefront, with a 1’6” high bulkhead under the windows, a 2” concrete curb at the base of the storefront, and a metal signboard with two shaded lights, with 9” high painted letters on the sign, and

**Whereas**, the pillars on either end of the storefront are currently planned for metal finish, but it was suggested that they might be more attractive if they had brownstone cladding, which the applicant said he would consider, and

**Whereas**, the storefront, light coverings, etc. would be painted black,

**Therefore Be It Resolved** CB#2, Man. feels this storefront is appropriate and recommends approval of this proposal for 58-60 West 8 St.

Vote: Unanimous, with 42 Board members in favor.

6. **125 Christopher St.** – Greenwich Village Historic District. An apartment building designed by H.I. Feldman & built in 1944. Application is to construct a barrier-free access ramp.

**Whereas**, the application is to construct a 6” high ramp to the building entrance for a tenant who is handicapped, and

**Whereas**, this is a busy corner with lots of foot traffic and the ramp would be an intrusion on this busy street that is already narrowed by two trees at the curb, and

**Whereas**, since the difference in height between the sidewalk and the lobby is only 6”, it was felt another solution could be found to accommodate any handicapped tenants or visitors to the building,

**Therefore Be It Resolved** CB#2, Man. recommends this application be denied for 125 Christopher St.

Vote: Unanimous, with 42 Board members in favor.

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

7. **Item 9 – 307-309 Mott St.** – NoHo East Historic District. A pair of Italianate style tenement buildings, built c. 1867-68. Application is to legalize alterations to façade while a permit is pending, legalize the installation of entrances without LPC permits, & to install light fixtures & new windows.

**Whereas**, the applicant changed and replaced the entrance doors without LPC permits, and

**Whereas**, the applicant also removed the stucco on the facade of the building exposing the brick façade on the first floor while permits from LPC were still pending, and

**Whereas**, globe light fixtures were installed above the two entry doors without LPC approval and

**Whereas**, new security cameras were installed, with very visible wiring channels, and

**Whereas**, visible in the photos, is graffiti on the side of the building visible from the street because of an open area next to the building, and

**Whereas**, at our meeting, no mention was made of any changes in the windows, nor were any changes noted between the existing and proposed windows on their drawings, and

**Whereas**, although the changes to the façade and entrances are somewhat of an improvement over what had been there previously, they are minimal,

**Therefore Be It Resolved** CB#2, Man. reluctantly recommends approval of these changes to 307-309 Mott St. provided other more appropriate light fixtures are installed, the security camera wire channels are made less visible, and the graffiti on the side of the building is removed or painted over.

Vote: Unanimous, with 42 Board members in favor.

**8. Item 10. 227 Waverly Pl. aka 184 7<sup>th</sup> Ave. South** – Greenwich Village Historic District. An apartment house designed by Lafayette A. Goldstone & built in 1908. Application is to install storefront infill & replace a fence.

**Whereas**, currently the two basement stores are accessed from steps from the sidewalk, with one of the stores actually having its entrance from one of the steps, which is awkward and could be a hazard, and

**Whereas**, the cast iron storefronts will be replaced with aluminum storefronts rather than the wood which is more common, and wood detailed windows and door frames, and

**Whereas**, the steps will be concrete with painted handrails, and

**Whereas**, the two small fences at the rear of the building where it joins 7 Ave. So. are an improvement over the existing two small fences

**Whereas**, this proposal will require demolition of some of the original historic materials from the front of this building at the cellar level,

**Therefore Be It Resolved** that, although CB#2, Man. regrets the loss of any original material from buildings in a Historic District, we still recommend approval of this application for 227 Waverly Pl.

Vote: Unanimous, with 42 Board members in favor.

**The following resolutions were voted on at the September Landmarks Committee meeting and adopted at the September Full Board meeting:**

### 1<sup>ST</sup> LANDMARKS MEETING

1. **Item #13 – 60 Grand St.** – SoHo Cast Iron Historic District. A neo-Classical style store building designed by Cleverdon & Putzel & built in 1895-96. Application is to establish a Master Plan governing the future installation of painted wall signs.

2. **Item 14 – 305 Canal St.** – SoHo Cast Iron Historic District. An Italianate style store & loft building constructed circa 1862. Application is to establish a Master Plan governing the future installation of painted wall sign.

**Whereas**, both of these applications are for Master Plans for signage presented by the same applicant, representing the company that actually does the hand painting of signs, and the proposed Master Plan components were the same for both buildings, and

**Whereas**, while the proposals for the Master Plans covered the subject well, there were a few points which were questioned:

The committee wondered whether the area of the signage proposed for the two buildings conformed to the limits permitted by ZR 42-533, that is six times the street frontage or 500 square feet, maximum.

The proposal for a maximum of 5 or more colors will produce a busy palette and the request for text and images to cover “less than” 50% of the surface area will yield a very busy sign which will detract from the building. We recommend no more than 35% coverage for text and images.

No specific ratio of graphics to text was offered.

Although the sign proposed for Grand St. appears to be set back 5' from the street wall, the sign on 305 Canal St. appears to be set back only 2'6" from the street wall. We recommend the Master Plan should specify at least 4' from the street wall.

**Whereas**, where parts of ghost signs still exist, as in the example of the Coca-Cola sign on 60 Grand St., we recommend that they be given deference, and not be painted over. Although the current sign painter has indicated it will remain, a later sign painter, using this Master Plan, might obliterate the sign by painting over it to "clean up" the wall.

**Whereas**, the diagram for 60 Grand St. seemed correct, the one for 305 Canal St. did not match the photo. The sign on the photo was larger and the proposed new window was not shown. Also the sign in the diagram seemed longer than the one on the photo. This should be clarified.

**Therefore Be It Resolved** CB#2, Man. could recommend approval of the Master Plans for 60 Grand St. and 305 Canal St. if all of these suggestions and comments were taken into consideration.

Vote: Unanimous, with 42 Board members in favor.

3. **Item 15 -- 422 West Broadway** – SoHo Cast Iron Historic District. An Italianate style store building designed by John H. Whitenack & built in 1873-74. Application is to construct a rooftop addition.

**Whereas**, the proposal is to construct a two-story addition on an existing five story building, plus elevator and stair bulkheads on the roof, and

**Whereas**, the proposed addition for the first floor is set back 11'6" from the front wall and the penthouse is set back an additional 7'6", and

**Whereas**, the stair bulkhead and the hydraulic elevator, which has its machine room in the cellar, extend 13'6" high, and the AC units on the roof will not be visible since they are hidden by the other additions, and

**Whereas**, the proposal is to have a glass fence set back 6' behind the roof bulkhead, and to extend the fire escape to the roof, and also to replace and repair the building's side wall with matching bricks, and

**Whereas**, since most of the changes proposed for 422 West Broadway were fine, CB#2, Man. suggests the plan be approved, but instead of the fire escape being extended to the roof, which would be very visible, a fire ladder be used instead, and also that the glass fence be pulled further back since sun glare on such a fence makes it very visible.

Vote: Unanimous, with 42 Board members in favor.

4. **Item #17 - 52 West 8 St.** – Greenwich Village Historic District. A commercial building designed by Frederick Kiesler and built in 1927 and later altered. Application is to alter the façade, install new storefront infill, a marquee, and signage.

**Whereas**, the Landmarks Preservation Commission's publication "The Certificate of Appropriateness Public Hearing: Information for Applicants" states that "Applicants are strongly encouraged to contact the Community Board to arrange for review of the proposal before the public hearing" and



**Whereas**, the applicant failed to appear before the Community Board Committee, not did he contact us for a layover,

**Therefore be it resolved** CB#2, Man. recommends denial of this application for 52 West 8 St., in the absence of this important step in the review process.

Vote: Unanimous, with 42 Board members in favor.

**5. Item 19 -- 33 Carmine St.** – Greenwich Village Historic District Extension II. An Italianate style tenement building with commercial ground floor built c. 1859. Application is to install storefront infill, an awning, and lighting.

**Whereas**, this is one of three small buildings with commercial spaces on the first floor, all of them altered over time, and

**Whereas**, the current front roll-down gate will be removed, and

**Whereas**, there will be a 2' high bulkhead under the store windows, with a 5" stone base, and the cast iron columns and cornice above the windows will remain, and

**Whereas**, it is planned to have two pair of windows opening out to the street for this proposed restaurant and

Whereas, the current 8" step at the entry will be removed, with the door inset 3'2" and a ramp installed, making it handicapped accessible, and

**Whereas**, the proposal also includes a awning 4'9" wide from the façade of the building with three gooseneck lights above the awning, to be used at night when the awning is retracted, and also a light in front of the entry door and

Signage on the building will be on the flap of the awning plus letters on the transoms above the windows,

**Therefore Be It Resolved** CB#2, Man. recommends approval of the proposals for 33 Carmine St. with the following suggestions - that the baseboard paneling have heavier molding more like most of this type paneling below windows, and that, if possible, the windows, instead of protruding from the building wall when opened, be replaced by windows operating on a center pivot for less protrusion into the sidewalk.

Vote: Unanimous, with 42 Board members in favor

## **LAND USE AND BUSINESS DEVELOPMENT**

**600 Washington St. (west side between Leroy and Morton Streets). A resolution supporting an application to the Board of Standards and Appeals for a special permit to legalize an existing physical culture establishment within an existing mixed use seven story residential building in an M1-5 zoning district.**

**Whereas:**

1. The applicant's attorney Ellen Hay of Wachtel Masyr & Missry LLP made a presentation to the committee;

2. A complete set of application documents was delivered to committee members in advance of the meeting;
3. The physical culture establishment is a 3925 square foot boxing gym on the ground floor;
4. The hours of operation would be 6:00 AM – 10:00 PM, Monday through Friday and 6:00 AM through 8:00 PM on Saturday and Sunday;
5. The gym serves approximately 250 people per day with no more than 45 patrons during peak hours, and has four employees;
6. The use appears to be compatible with other uses in the building, and is not likely to impair the privacy, quiet, light, and air in the neighborhood;
7. The use will not interfere with any public improvement project;
8. The applicant is requesting a term of 10 years, as allowed;
9. The use adds a valuable health and physical fitness alternative for residents of the area;
10. The applicant's attorney represented that the applicant failed to obtain the required permit when the establishment first opened because he was insufficiently funded;
11. There were no speakers or letters received in favor of or in opposition to the application.

**Therefore it is resolved** that CB#2, Man.:

1. Supports granting of this special permit by BSA to legalize a physical culture establishment use at 600 Washington Street;
2. Recommends that the start date of the permit be back-dated to the date the establishment opened without the required permit so that the applicant does not achieve a benefit by opening without a permit.

Vote: Unanimous, with 42 Board members in favor.

**2. 154 Hester Street, corner of Elizabeth Street: A resolution supporting an application to the Board of Standards and Appeals for variances to the Zoning Resolution waiving requirements of Section 109-121 regarding floor area, Section 109-122 regarding lot coverage, and Section 54-31 regarding enlargement of a non-complying building.**

**Whereas:**

1. Attorneys for the applicant Richard Lobel and Nora Martins of Sheldon Lobel, PC, appeared before the committee along with four representatives of the applicant;
2. A complete set of application documents was delivered to committee members in advance of the meeting;
3. The applicant is the Oversea Chinese Mission, a non-for-profit religious organization that has existed for over 50 years with central offices at these premises and with six church branches located in Queens, Long Island, Manhattan, and New Jersey;
4. The applicant demonstrated its long-term commitment to serving the neighborhood at the premises;
5. The facility has weekly attendance of over 1500 at services in Chinese and English;
6. The facility also serves fellowship groups serving over 800, community services including after school programs for 100 children, summer camp for over 400, youth basketball camp for 100, GED, ESL, and Naturalization classes; programs for more than 60 senior citizens, an annual street fair, and a care for the homeless project with 438 volunteers;
7. The applicant provided evidence including photos of over-crowded conditions;
8. The goal of the project is to provide a major infrastructure upgrade, building code compliance, enhancement of facilities including improved accessibility and safety; and increase of overall usable area;
9. The application will allow an existing light well to be filled on floors two through eight;

10. The variances will add 2,300 square feet to the total occupied space in the building and will improve efficiency of use of existing space;
11. The current lot coverage is 95 percent, in excess of the allowed coverage in this C6-2G district within the Special Little Italy District, and the variance, if granted will allow 100 percent lot coverage;
12. The presentation provided convincing evidence, including photographs, that the expansion will not be visible from the street and will not have a significant impact on light and air or quiet for neighbors;
13. The application provides evidence that required findings for the waivers are met;
14. A show of hands indicated 10 community members were in attendance in support of the application;
15. The applicant submitted seventy-six signed consent letters from businesses and residents indicating understanding of and support for the application;
16. CB2 Member Anthony Wong spoke in favor of the application, citing the importance of the applicant's services to the neighborhood and the need for upgrade and expansion of the existing facility;
17. There were no speakers or letters received in opposition to this application.

**Therefore it is resolved** that CB#2, Man. supports this application for variances to the Zoning Resolution to allow the expansion and improvement of the building at 154 Hester Street to serve the needs of the Chinese Oversea Mission.

Vote: Unanimous, with 42 Board members in favor.

**3. 153 Elizabeth Street (aka 30-40 Kenmare): A resolution stating no objection to an authorization from the City Planning Commission to modify the height and setback regulations of ZR 109-41 which limits the height of any new building within a C6-1 zone in the Special Little Italy District to eight stories to legalize a mezzanine built with approval of the Department of Buildings (DOB).**

**Whereas:**

1. Attorney for the applicant Howard Zipser of Akerman Senterfitt LLP appeared before the committee along with applicant Brett Nidel of Veracity Development and building architect Matthew Grzywinski of Grzywinski + Pons LTD;
2. A complete set of application documents was delivered to committee members in advance of the meeting;
3. The building is a nine-story hotel currently operating under a temporary certificate of occupancy with a lobby and eating and drinking establishment on the first floor and 55 rooms on floors 3-9;
4. The built structure includes a mezzanine open to the lobby below including two guest rooms and two mechanical equipment rooms, but this mezzanine is not included in the currently allowed occupancy;
5. The building as constructed conforms to plans approved by DOB on March 9, 2007;
6. On July 10, 2009, subsequent to completion of the structure but prior to issuance of a certificate of occupancy, DOB issued an objection, based on a Department of City Planning ruling, to the effect that the mezzanine is a story and therefore the building exceeds the eight stories allowed in the district;
7. The building height complies with the maximum height of 85 feet allowed in Area C of the Special Little Italy District, and the occupied area conforms to the allowed lot coverage and 6.0 FAR of the C6-1 zone;
8. The applicant stated that mezzanines were not considered to be stories in the NYC building code;
9. The Zoning Regulation does not indicate whether or not mezzanines are to be considered stories;
10. Unlike other cases where this lack of clarity has been intentionally abused by developers, the applicants appeared to make a good faith effort to comply with regulations while attempting to maximize the legal use of their property;

11. By not considering the mezzanine to be a story, the applicants were able to make full use of their allowed FAR and add two additional rooms to this small hotel;
12. The applicants persuasively argued that they have suffered a hardship as a result of occurrences out of their control;
13. The applicants persuasively argued that it cause an unbearable additional hardship to remove the top story of the completed and occupied building and it is not physically possible to remove the mezzanine;
14. There would be no public benefit served by continuing to keep the existing mezzanine unoccupied;
15. The applicants stated that there would be no use of the mezzanine for an Eating and Drinking establishment and stated they would not object to a stipulation indicating there would be no future application to modify its use for that purpose;
16. This waiver, if granted, would not create a precedent because it is now clear that a mezzanine shall be considered a story;
17. Four community residents spoke against the application which they said undermines the purposes of the Special Little Italy District, and said that the building is an eyesore that harms the historic character of the area;
18. CB2 also received several emails in opposition to this Request;
19. One community resident spoke in favor of the application, and said the hotel has brought life and energy to the area;
- 20.

**Therefore it is resolved** that CB#2, Man:

1. Based solely on the special circumstances leading to this request, does not object to a waiver allowing this building to be occupied as a nine-story building not conforming to the requirements of the Special Little Italy District;
2. Requests that the applicant be required to provide an appropriate method to prevent use of the mezzanine as part of any Eating or Drinking establishment for as long as the building shall stand;
3. Urges the City Planning Commission to amend the Zoning Resolution to clarify that mezzanines are to be treated as stories.

Vote: Unanimous, with 42 Board members in favor.

**4. 8-12 Bond Street (aka 358-364 Lafayette). A resolution supporting an application to the Board of Standards and Appeals to allow construction of a new 7-story residential building with ground floor retail in an M1-5B district, but requesting exclusion of a proposed one-car garage and restriction of use for Eating and Drinking establishments.**

**Whereas:**

1. Attorneys for the applicant Deirdre Carson and Randall Minor of Greenberg Traurig appeared before the committee and applicants were available to respond to questions from the committee;
2. A complete set of application documents was delivered to committee members in advance of the meeting;
3. The property as it exists today includes a parking lot, a 3-story advertising sign, a 1-story structure formerly used as a garage, and a 2-story early 19<sup>th</sup>-century factory building;
4. The property is within the Noho Historic District, but none of the structures are contributing buildings;
5. In February, 2010, the BSA granted a variance to the property allowing construction of a 7-story transient hotel;
6. CB2 supported the application for the prior variance;

7. The owners determined they would not obtain a reasonable return on the hotel development;
8. The proposed residential use is more in keeping with the character of the neighborhood than a hotel or other commercial use;
9. The zoning analysis provided with the application determined that the closest and most analogous district that permits residential use is C6-2, a district that also results in buildings that are consistent with the character of other buildings in the area;
10. The C6-2 zone would also potentially allow commercial uses in the whole building, including hotel use, but only residential apartments are proposed;
11. The proposed design including modifications after presentation to the CB2 Landmarks Committee, has been approved by the Landmarks Preservation Commission;
12. The proposed structure will be a 7-story building with 11 residences and ground floor retail;
13. The proposal also includes a one-car garage associated with the “maisonette” apartment;
14. Zella Jones, representing Noho-Bowery Stakeholders, spoke in favor of a residential project including limited ground floor retail at this site, but against the one-car garage, and requested a stipulation against Eating and Drinking establishments, or at least a limitation of the total floor area of any such establishment to 1500 square feet;

**Therefore it is resolved** that CB#2, Man.

1. Supports the application for a variance to allow construction of a new 7-story residential building with ground floor retail at 8-12 Bond Street;
2. Requests that BSA include appropriate provisions to insure that this variance is specific to the proposed project and does not allow for any commercial use above the ground floor or in either of the proposed open courts in the rear yard;
3. Considers Eating and Drinking establishment on this corner to be out of character for this block and likely to create an undesirable impact and requests a use restriction on the ground floor commercial space to prohibit such use.
4. Opposes approval for the proposed one-car garage.

Vote: Passed, with 40 Board members in favor and 1 against-(Diether)

### **SIDEWALKS, PUBLIC FACILITIES AND ACCESS**

**The following resolutions were voted on at the August Executive Committee meeting and adopted at the September Full Board meeting:**

#### **Renewal App. for revocable consent to operate an Unenclosed sidewalk cafe for:**

**1. La Ripaille Corp. d/b/a La Ripaille Restaurant, 605 Hudson St. with 4 tables & 11 seats, DCA# 1010686**

Block:624 Lot:17	Lot Frontage:34.58'	Lot Depth:76	Year Built:1900(estimated)
Number of Buildings:1;	Number of Floors:5	Residential Units:8	Total # of Units:10
Zoning:C1-6	Landmark Building: Yes		
Historic District: Greenwich Village			

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant was present, and

**Whereas**, this café has been operated for many years by this applicant with no known issues,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **La Ripaille Corp. d/b/a La Ripaille Restaurant, 605 Hudson St. with 4 tables & 11 seats, DCA# 1010686**

VOTE: Unanimous, with 42 Board members in favor.

**2. Pepe’s Rest. Group, LLC d/b/a Las Ramblas, 170 W. 4th St. with 2 tables & 4 seats, DCA# 1221449**

Block:590Lot:29	Lot Frontage:44.75'Lot Depth:72.83	Year Built:1920(estimated)
Number of Buildings:1;	Number of Floors:6 Residential Units:15	Total # of Units:17
Zoning:R6 ;	Commercial Overlay:C1-5	Landmark Building: Yes
Historic District: Greenwich Village Historic Dist. Ext. II		

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant and her representative were present, and

**Whereas**, this café has been operated for many years by this applicant with no known issues,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Pepe’s Rest. Group, LLC d/b/a Las Ramblas, 170 W. 4th St. with 2 tables & 4 seats, DCA# 1221449**

VOTE: Passed, with 41 Board members in favor and 1 recusal-(Sanz).

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

**3. Juicerie LLC, d/b/a Juicerie, 19 Kenmare St. with 20 tables & 40 seats, DCA# 1437537**

Block:478 Lot:12	Lot Frontage:20' Lot Depth:99	Year Built:1900(estimated)
Number of Buildings:1;	Number of Floors:6 Residential Units:15	Total # of Units:17
Zoning:C6-1		

**Whereas**, the area was posted, community groups notified and there were several community members present regarding this application, and the applicant, Heather Tierney and her representative, Steve Wygoda, were present, and

**Whereas**, the café is proposed for a sidewalk of approximately 18’ 9” width with no applicable obstructions, and the applicant’s business occupies a space within the building of approximately 38’ frontage, and

**Whereas**, the applicant stated the establishment will be a juice and health-food restaurant with approximately 20 indoor seats, plans to have an SLA wine and beer license, and plans to operate 8:00 am – 10:00 pm Mon-Thurs and 8:00 am – 11:00 pm Fri-Sat, and

**Whereas**, the applicant was given a copy of CB#2, Man. Sidewalk Café Guidelines and reminded the café is not to be opened on Sunday until noon, and

**Whereas**, the committee reminded the applicant that establishments with any SLA license must provide full wait service to a sidewalk café and the applicant committed to doing so, although this did not appear to be in the applicants initial intentions, and

**Whereas**, this applicant was recently denied by CB#2, Man. for its application for an SLA Beer and Wine license due to this location never previously being licensed by the SLA, concerns over issues at other establishments operated by this applicant, and the lack of a valid DOB Certificate of Occupancy and Public Assembly Permit for the premises, and

**Whereas**, the applicant intends to return to the CB2 SLA Committee in September with a request for a Letter of No Objection to their application for the Beer and Wine license with the stipulation that the applicant will waive any right to apply for a full On Premise license, and

**Whereas**, the applicant presented a petition in support of this application with approximately 60 signatures, and members of the community presented a petition with 60 or more signatures in opposition, and

**Whereas**, members of the community expressed concerns about the dangerous traffic conditions at this corner, which is a primary route across town from the Williamsburg Bridge and the proliferation of sidewalk cafes in this area, and doubts about the business model of this operation, and

**Whereas**, given the smaller size of the indoor seating and in order to ensure the corner is kept clear and the café set up properly, the applicant agreed to voluntarily reduce the seating to 15 tables and 30 seats, by:

- removing all seating (4 tables, 8 seats) west of the corner of the Kenmare St façade and the east edge of the entry stoop
- removing 1 table and 2 seats at the east end of the café, thereby maintaining a service aisle for the full length of the café
- reducing all 4-seat pairs to 2-seat tables,
- leaving 5 sets of tables with each set consisting of 1 table/2 seats on either side of the service aisle,

**Whereas** the community doesn't support sidewalk cafes on Kenmare Street;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **Denial** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **Juicerie LLC, d/b/a Juicerie, 19 Kenmare St. with 20 tables & 40 seats, DCA# 1437537**

**Not CONDITIONAL UPON the café seating being reduced to 10 tables and 20 seats as noted in Whereas clause 10.**

Vote: Passed, with 20 Board members in favor, 15 against-(Paul, Ma, Derr, Woodworth, Kiely, Sanz, Collins, Dawson, Schott, Morellet, Diether, Brandt, Schlazer, Bray, Hearn) and 4 abstain-(Aaron, Secunda, Young, Schwartz)

**4. 430 LLC, d/b/a The Goodwin, 430 Hudson St. with 6 tables & 12 seats, DCA# 1437677**

Block:583Lot:6	Lot Frontage:22'Lot Depth:80	Year Built:1910(estimated)
Number of Buildings:1;	Number of Floors:4	Residential Units:3
Total # of Units:4	Zoning:C1-6	Landmark Building: Yes
Historic District: Greenwich Village		

**Whereas**, the area was posted, community groups notified and there was one community member present regarding this application, and the applicant, Richard Wise, was present, and

**Whereas**, the café is proposed for a sidewalk of approximately 18' 3" width to the bay windows with the only applicable obstruction being a Siamese connection near the north corner of the facade, and

**Whereas**, the applicant stated the establishment is a full-service restaurant with an SLA full On Premise license, and plans to operate 8:00 am – 11:00 pm Mon-Wed and 8:00 am – 2:00 am Thurs-Sat, and

**Whereas**, the applicant was given a copy of CB#2, Man. Sidewalk Café Guidelines and reminded the café is not to be opened on Sunday until noon, and

**Whereas**, the committee reminded the applicant that establishments with any SLA license must provide full wait service to a sidewalk café and the applicant committed to doing so, and

**Whereas**, the committee received three emails opposing the café and one email supporting it, and

**Whereas**, the plan presented did not properly allow 3' clearance for the Siamese connection and made use of two benches which CB#2, Man. does not support, and the applicant agreed to replace the benches with regular seats to maintain the required clearance to the Siamese connection by voluntarily reducing the seating to 5 tables and 10 seats, by having three 2-seat tables on the south side of the entrance and two 2-seat tables on the north side of the entrance – all oriented parallel to the façade – with the space in front of the Siamese connection remaining empty and the entrance path serving as the required service aisle, and

**Whereas**, the plan also showed a sidewalk width of 19' 3", but that is reduced by the 1 foot extension of the bay front of the building which means the café depth must be reduced to 9' (a reduction of 3") so the café uses no more than half the available sidewalk width and this should be incorporated in the new plan, but will not affect the seating as agreed to in the previous Whereas clause,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **430 LLC, d/b/a The Goodwin, 430 Hudson St. with 6 tables & 12 seats, DCA# 1437677**

**CONDITIONAL UPON the café seating being reduced to 5 tables and 10 seats as noted in Whereas clause 7**

VOTE: Unanimous, with 42 Board members in favor.

### **APPROVAL of Street Fair Permit Application**

#### **Applications to SAPO for Street Activity permits for:**

##### **5. 10/13/12 – Public Theater Special Event, Lafayette St. and E. 4<sup>th</sup> St. (one-time event)**

**Whereas**, the area was posted, community groups notified and there were community members present regarding this application, and the applicant's representatives were present, and

**Whereas**, the proposed event is a partial shutdown of Lafayette St from 8:00 am to 8:00 pm consisting of two of the four-lane width with the west side parking lane and bike lane/buffer retained for through traffic, but the east side sidewalk would remain open throughout the event, and

**Whereas**, the event is part of the rededication celebrations for the completion of several years' work renovating and upgrading the facilities at the Public Theater's home, the former Astor Library, and



**Whereas**, the event would occupy the east half of part of the block of Lafayette St roughly from 415 Lafayette to the south side of Astor Pl and consist primarily of a stage and seating for performances on the south end and an area for approximately 10 food trucks to offer food for sale on the north end, and

**Whereas**, the applicant stated that the food trucks were picked on the basis of quality based on online and personal reviews and each had specifically been requested to ensure at least some items would be priced in the \$2 to \$3 range to make food available to the widest range of people, and

**Whereas**, one member of the community, Zella Jones of the NoHo Bowery Stakeholders Inc, stated she had questioned the Public Theater as to how this was considered a community event if community eating establishments were supplanted by food trucks, an intrusive presence in many neighborhoods, particularly nearby in Noho and Soho, and

**Whereas**, the committee felt the Public's representatives offered no appreciable reason neighborhood restaurants could not have been included, and given the intent of the event is largely to introduce the community to its new space, the committee wondered why the Public could not do that using those new spaces rather than shutting down half of Lafayette St,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of this application for a one time partial street closure for the Public Theater Special Event on 10/13/12

VOTE: Unanimous, with 42 Board members in favor.

6. Discussion of a temporary home for the 9/11 tiles displayed on the fence surrounding Mulry Square during the construction of the MTA ventilation building

**Whereas**, the ceramic tiles – often referred to as the Tiles for America – which have hung on the fence at Mulry Square, located at the southeast corner of 7<sup>th</sup> Ave South and Greenwich Ave since the days and weeks following the attacks of September 11, 2001 are considered a precious memorial to those lost on that day, and

**Whereas**, the tiles must be moved on or soon after September 12, 2012 to allow for MTA construction on the Mulry Square property, and

**Whereas**, the tile project was originated in 2001 by Lorrie Veasey through her business “Our Name is Mud” located next to Mulry Square, who has since transferred all rights to the tiles to the Contemporary Ceramic Studio Association (CCSA) of Arlington, Tennessee and the rights to approximately 150 of the tiles to the Tribute WTC Visitor Center, a project of the September 11<sup>th</sup> Families Association, and

**Whereas**, CCSA has, at the suggestion of the offices of NYC Council Speaker Christine Quinn and NY State Senator Thomas Duane, requested a recommendation from Community Board 2 Manhattan on a course of action for removal of the tiles from the Mulry Square fence for safe-keeping until a permanent home is established for the tiles, and

**Whereas**, CB#2, Man. was presented with 3 options by members of the community or community organizations, all of whom are passionately committed to the preservation and display of this memorial, and

**Whereas**, one of the options, put forth by Paul McClure of the Village Angels (who for the past year have been tending to the tiles and area around Mulry Square), involved moving the tiles to a nearby fence surrounding the P.S. 41 schoolyard, but it appeared the option might not be feasible in the short time available, and the committee was concerned the tiles would continue to deteriorate in that situation, and

**Whereas**, the second option, put forth by Dusty Berke, also of the Village Angels and a leader of the information group Tiles for America Preservation Project, consists of moving the tiles to a building nearby at 62 Greenwich Ave. and has obtained a letter of understanding from the property owner to that end, and

**Whereas**, the third option, put forth by Lee Ielpi, President of the September 11<sup>th</sup> Families Association and Jennifer Adams, CEO of the Tribute WTC Visitor Center, would see the staff of the New York State Museum collect the tiles and transport them to the museum in Albany for safekeeping, until such time as a more permanent New York City location is assured, and

**Whereas**, the committee feels the ideal solution would be one which kept the tiles on extended public display in a location as near as possible to Mulry Square, and the option put forth by Dusty Berke of the Tiles for America Preservation Project comes closest to that goal, and

**Whereas**, the committee is impressed by Ms. Berke's passion and extraordinary commitment to this memorial, but has serious concerns about the feasibility of pulling together all the details – a lease, startup costs, permits, liability insurance, etc – needed for the building on Greenwich Avenue to house the tiles in the incredibly short time available,

**THEREFORE BE IT RESOLVED**, while the committee joins the Village Angels in abhorring the idea of the tiles leaving New York City, even for a short period of time, we feel the expertise the New York State Museum can bring to cataloguing, stabilization, restoration where needed, and storage of the tiles would represent an invaluable service to the health of this memorial, and we support the immediate transfer of the tiles to the museum, and

**FURTHER BE IT RESOLVED**, the committee requests that the CCSA, the Museum and all parties involved in the transfer and storage of the tiles make the strongest commitment possible to the earliest return of the tiles to an appropriate space near Mulry Square as soon as one is available, and

**FINALLY BE IT RESOLVED**, the committee fully supports the efforts of Dusty Berke, Paul McClure and others in forming the Tiles for America Preservation Project and strongly suggests that the new organization may be the best long-term owner and custodian of the Tiles for America memorial as it continues to grow through the still-ongoing submission of tiles from around the world.

VOTE: Unanimous, with 42 Board members in favor.

**The following resolutions were voted on at the September Sidewalks Committee meeting and adopted at the September Full Board meeting:**

**1. App. to DCA for revocable consent for newsstand:**

**Newsstand northeast corner of Lafayette St. & E. Houston St.**

**Whereas**, the area was posted, community groups notified and there were several community members present regarding this application, and the applicant, Orzun Karmoker, was present, and

**Whereas**, the application is for a newsstand of 5' x 12' in front of a retail store at 315 Lafayette St near its northeast corner with E. Houston St on a sidewalk of 16'2" width leaving 9'8" of clear path, just over the minimum 9'6" required, and

**Whereas**, some members of the committee felt this was a sufficiently wide sidewalk to allow for the newsstand, the majority felt this was a busy sidewalk and there was no particular need for a newsstand at this location, and

**Whereas**, both residents and businesses on this block have endured 5 years of construction of the sidewalk that virtually cut off their businesses from customers while the MTA expanded the connection between the Broadway/Lafayette and Bleecker St subway stations, and the majority of the committee felt limiting visibility of businesses on the block with a newsstand is unacceptable, and

**Whereas**, the majority also feel the addition of a newsstand at this location will only serve as an encouragement to mobile vendor to set up shop, expanding onto a new block the already untenable vendor situation that has for too long existed just south in Soho,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this application for a **NEWSSTAND** at the **Northeast corner of Lafayette St. & E. Houston St, DCA# 1440554.**

VOTE: Unanimous, with 42 Board members in favor.

**Renewal App. for revocable consent to operate an Unenclosed sidewalk cafe for:**

**2. Wogie's Inc. d/b/a Wogie's, 39 Greenwich Ave. (NW corner Charles St.), with 16 tables and 32 seats, DCA# 1160623**

Block:612 Lot:65	Lot Frontage:26.83'	Lot Depth:82.17	Year Built:1900(estimated)
Number of Buildings:1;	Number of Floors:5	Residential Units:12	Total # of Units:14
Zoning:C1-6	Landmark Building: Yes		
Historic District: Greenwich Village			

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's representative, Michael Kelly, was present, and

**Whereas**, CB2 has noted this establishment consistently violates their approved plans by adding additional seats to the Charles St. side of the café, and regardless the number of seats used, the café almost always takes up more than ½ of this narrow sidewalk on a residential street, and

**Whereas**, the establishment has been warned before by CB2 to cease mis-seating the Charles St. side of the café and was cited by DCA on 5/5/12 for overuse of the Charles St. sidewalk as noted above, and it is the committee's opinion the operator intends to continue violating its license whenever desired, and

**Whereas**, the approved plan was dependent on service to the Charles St. side being done from the main entrance on Greenwich Ave, but the committee has observed most service to that side being done from the back door on Charles St. using the public sidewalk, outside the already illegally expanded café depth,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this application for a **RENEWAL** App. for revocable consent to operate an Unenclosed sidewalk café for **Wogie's Inc. d/b/a Wogie's, 39 Greenwich Ave. (NW corner Charles St.), with 16 tables and 32 seats, DCA# 1160623**

**UNLESS the seating on the Charles St. side of the café is eliminated and seating and service is allowed only on Greenwich Ave.**

VOTE: Passed, with 41 Board members in favor and 1 against-(Diether)

**3. Pasta Bistro Grill, d/b/a Bistro Grill, 93 Macdougall St. (NW corner Bleecker St.), with 5 tables & 10 seats, DCA# 1311319**

Block:542 Lot:7502

Lot Frontage:0.12' Lot Depth:0

Year Built:1900

Number of Buildings:2; Number of Floors:6

Residential Units:40 Total # of Units:41

Zoning:R7-2 ; Commercial Overlay:C1-5

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's representative, Michael Kelly, was present, and

**Whereas**, CB#2, Man. has noted this establishment consistently violates their license by setting up the tables and chairs in violation of their approved plans which leaves substantially less public sidewalk than allowed, and

**Whereas**, CB#2, Man. notes that the issues with seating are exacerbated by multiple signs standing in the area that is supposed to be service aisle for the café with multiple additional signs hung on the façade. CB2 noted at least 6 signs used in or immediately adjacent to the café, and

**Whereas**, the establishment was warned by CB2 at its previous renewal to cease mis-seating the café and was subsequently cited by DCA on 5/5/12 for overuse of the sidewalk in addition for having too many tables and chairs in the café, and

**Whereas**, even after being cited by DCA, the operator continues to violate their license in the same way and the committee sees no willingness on the part of the operator to cure these conditions,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Pasta Bistro Grill, d/b/a Bistro Grill, 93 Macdougall St. (NW corner Bleecker St.), with 5 tables & 10 seats, DCA# 1311319**

VOTE: Unanimous, with 42 Board members in favor.

**4. Mottsu Cuisine Inc. d/b/a Mottsu, 285 Mott St. (btw Prince St & E. Houston St), with 6 tables & 12 seats, DCA# 1376493**

Block:509 Lot:27

Lot Frontage:80.08' Lot Depth:90.83

Year Built:1900(estimated)

Number of Buildings:1;

Number of Floors:6 Residential Units:54

Total # of Units:58

Zoning:C6-2C6-3

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's representative, Michael Kelly, was present, and

**Whereas**, CB2 has noted this establishment consistently violates their license by setting up the tables and chairs in violation of their approved plans which leaves substantially less public sidewalk than allowed, and

**Whereas**, the establishment was warned by CB2 at its previous renewal to cease mis-seating the café and was subsequently cited by DCA on 4/26/12 for overuse of the sidewalk in addition for having too many tables and chairs in the café, and

**Whereas**, even after being cited by DCA, the operator continues to violate their license in the same way and the committee sees no willingness on the part of the operator to cure these conditions,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Mottsu Cuisine Inc. d/b/a Mottsu, 285 Mott St. (btw Prince St & E. Houston St), with 6 tables & 12 seats, DCA# 1376493**

VOTE: Unanimous, with 42 Board members in favor.

**5. Grotta Azzurra Inn Inc. d/b/a Grotta Azzurra, 177 Mulberry St. (SW corner Broome St), with 20 tables & 40 seats, DCA# 1150943**

Block:471 Lot:14                      Lot Frontage:25.25' Lot Depth:105.42                      Year Built:1930(estimated)  
Number of Buildings:1;              Number of Floors:5 Residential Units:20                      Total # of Units:21  
Zoning:C6-2G

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant was present, and

**Whereas**, CB#2, Man. has noted this establishment consistently violates their license by setting up the tables and chairs in violation of their approved plans which leaves substantially less public sidewalk than allowed, and

**Whereas**, the establishment was cited by DCA on 6/14/12 for operating outside their approved perimeter and the committee pointed out to the applicant that proper operation of the café is dependent on service occurring from most of the doors in the restaurant, but it is now being done from only two which requires wait staff to use the public sidewalk to reach most of the tables, and

**Whereas**, even after being cited by DCA, the operator continues to violate their license in the same way but the applicant assured the committee that service would be reestablished from the other doors as needed,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Grotta Azzurra Inn Inc. d/b/a Grotta Azzurra, 177 Mulberry St. (SW corner Broome St), with 20 tables & 40 seats, DCA# 1150943**

**UNLESS the applicant immediately resumes service from all doors necessary to eliminate café furniture and activity from the public sidewalk.**

VOTE: Passed, with 41 Board members in favor and 1 against-(Diether)

**6. Ladi, LLC d/b/a Jack's 80 University Pl. (NW corner E. 11<sup>th</sup> St.), with 14 tables & 28 seats, DCA# 1226076**

Block:569 Lot:28                      Lot Frontage:25' Lot Depth:91.5                      Year Built:1930  
Number of Buildings:1;              Number of Floors:5 Residential Units:0              Total # of Units:5  
Zoning:C1-7

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's representative, Michael Kelly, was present, and

**Whereas**, this café has been operated for several years by this applicant with no known issues,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Ladi, LLC d/b/a Jack's 80 University Pl. (NW corner E. 11<sup>th</sup> St.), with 14 tables & 28 seats, DCA# 1226076**

VOTE: Unanimous, with 42 Board members in favor.

**7. Cerli Inc. d/b/a Mole, 57 Jane St. (NE corner Hudson St.) with 7 tables & 16 seats, DCA# 1343516**

Block:626 Lot:21                      Lot Frontage:18' Lot Depth:59.75                      Year Built:1920(estimated)  
Number of Buildings:1;              Number of Floors:4 Residential Units:3              Total # of Units:4  
Zoning:C1-6                      Landmark Building: Yes  
Historic District: Greenwich Village

**Whereas**, the area was posted, community groups notified and there was one community member present regarding this application, and the applicant's representative, Michael Kelly, was present, and

**Whereas**, this café has been operated for two years by this applicant with few known issues and the one community member present supported the continued operation of the cafe, and

**Whereas**, the CB2 office has received a few complaints about groups of patrons which often completely block the sidewalk, and

**Whereas**, when a member of the committee measured the sidewalk there was only 6'8" clearance between the traffic signal pole (with pedestrian signal) and the café, substantially less than the required 9 feet, and

**Whereas**, it also appears the location of the traffic signal pole and the fire hydrant were mis-drawn on the approved plan resulting in the café depth not allowing for the required sidewalk clear path,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Cerli Inc. d/b/a Mole, 57 Jane St. (NE corner Hudson St.) with 7 tables & 16 seats, DCA# 1343516**

**UNLESS the applicant provide DCA with a plan which shows the correct locations of the traffic signal pole and fire hydrant and reduces the café depth to provide the legal minimum clear path between the café and the traffic signal pole which is the nearest obstruction**

VOTE: Unanimous, with 42 Board members in favor.

**8. Feenjon Corp. d/b/a Panchitos, 103-105 Macdougall St. (btw Bleecker St. & Minetta Ln.), with 12 tables & 27 seats, DCA# 0855696**

Block:542 Lot:49                      Lot Frontage:25' Lot Depth:135.5                      Year Built:1900(estimated)  
Number of Buildings:1;              Number of Floors:7 Residential Units:36              Total # of Units:37  
Zoning:R7-2 ;                      Commercial Overlay:C1-5

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant was present, and

**Whereas**, this café has been operated for several years by this applicant with few known issues, and

**Whereas**, the committee noted that on a recent inspection visit service was occasionally occurring outside the café perimeter and the applicant committed to instructing the staff to cease doing so,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Feenjon Corp. d/b/a Panchitos, 103-105 Macdougall St. (btw Bleecker St. & Minetta Ln.), with 12 tables & 27 seats, DCA# 085569**

VOTE: Unanimous, with 42 Board members in favor.

**9. 151 Bleecker LLC d/b/a Red Lion, 151 Bleecker St. (NE corner Thompson St.), with 8 tables & 18 seats, DCA# 1348223**

Block:537 Lot:37                      Lot Frontage:57.17' Lot Depth:100                      Year Built:1900(estimated)  
Number of Buildings:2;              Number of Floors:6 Residential Units:40              Total # of Units:44  
Zoning:R7-2 ;                      Commercial Overlay:C1-5

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's representative, Michael Kelly, was present, and

**Whereas**, this café has been operated for several years by this applicant with consistent issues with over-seating and blocking the sidewalk with multiple sandwich board signs, and

**Whereas**, the committee noted on more than one recent inspection the café had 50% more tables (12 tables & 24 seats) than it is approved for, including 2 tables and 4 seats additional in the approved Bleecker St section, 2 tables and 4 seats at the corner of the building which are not in the approved plan, and seating completely blocking the ADA ramp on the Thompson St. side, and

**Whereas**, the committee now feels that despite multiple warnings from CB2 and citations from DCA, the applicant has no interest in addressing the issues with this café in any meaningful way,

**THEREFORE BE IT RESOLVED** that CB#2, Man. **STRONGLY** recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **151 Bleecker LLC d/b/a Red Lion, 151 Bleecker St. (NE corner Thompson St.), with 8 tables & 18 seats, DCA# 1348223**

VOTE: Unanimous, with 42 Board members in favor.

**10. Tobsk LLC, d/b/a McCoy, 89 Macdougall St. (SW corner Bleecker St.), with 17 tables & 34 seats, DCA# 1432085**

Block:526Lot:25                      Lot Frontage:25' Lot Depth:98                      Year Built:1900(estimated)  
Number of Buildings:1;              Number of Floors:6 Residential Units:15              Total # of Units:17  
Zoning:R7-2 ;                      Commercial Overlay:C1-5

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's General Manager, Steve Cervino, was present, and

**Whereas**, this café has been operated for several years by a previous applicant who assigned the café license to the new operator several months ago, and

**Whereas**, the committee noted on a recent inspection that the café was originally approved with part of its service aisle on the Macdougall St. side overlapping a transformer vault where a 3' clearance is required, and

**Whereas**, the same area of the café does not provide the required 3' clearance from a fire escape drop ladder, and

**Whereas**, the tables on the Macdougall St. side should consist of the current most southerly 5 tables & 10 seats which would be served from the south door, a break of roughly 15' for drop ladder and transformer vault clearance, and the current northernmost 1 table & 2 chairs served from the front door, and

**Whereas**, this would reduce the café by the 3 tables & 6 seats currently occupying the area on Macdougall St adjacent to the drop ladder and overlapping the transformer vault, and

**Whereas**, the applicant is moderately mis-seating the Bleecker St side essentially as four 4-seat tables where it should be three 4-seat tables and two 2-seat tables in order to maintain a 3' service aisle and 8' clear path at the corner where the sidewalk is slightly more narrow,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Tobsk LLC, d/b/a McCoy, 89 Macdougall St. (SW corner Bleecker St.), with 17 tables & 34 seats, DCA# 1432085**

**CONDITIONAL UPON**

- **the applicant providing DCA with an updated plan reducing the seating to 14 tables & 28 seats as noted in Whereas clauses 5 and 6**
- **the applicant returns the Bleecker St seating to the configuration on the approved plan**

VOTE: Unanimous, with 42 Board members in favor.

**11. APPROVAL of Street Fair Permit Application Renewal**

**Applications for Street Activities Permits**

**WHEREAS**, the street fair permit applications listed below are renewals which were approved by the Committee and Community Board 2 for at least three prior years; and

**WHEREAS**, the Committee has determined in the exercise of its sound judgment that the sponsor meets the requirements of Chapter 11, Section 1-03(b), of the Rules of the Street Activity Permit Office relating



to Applications, Fees and Charges, in that each of the sponsor is a “community based, not-for-profit organization, association or the like, which has an indigenous relationship to the specific street or the community or both, for which the event is proposed and which demonstrates that it has the support of the community and is willing to take full responsibility for the conduct of the event”; and

**WHEREAS**, there is no material community opposition to such application, nor any changes in the application from previous years when it was approved by CB#2, Man.; now

**THEREFORE BE IT RESOLVED**, that CB#2, Man. supports the street fair permit application on the date and at the location listed below:

1. **10/13/12 Tavern on Jane 16<sup>th</sup> Annual Block, Jane St. bet. Hudson St. & Eighth Ave.**

Vote: Unanimous, with 42 Board members in favor.

### **SLA LICENSING**

**The following resolutions were voted on at the August Executive Committee meeting and adopted at the September Full Board meeting:**

1. **Sip & Dine, LLC, TBD, 82 W. 3rd St. 10012 – Transfer of # 1206985**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for the transfer of an existing on-premise liquor license (#1206985) in a mixed use building located on West 3rd Street between Sullivan and Thompson Street (Block # 539 / lot #19), for a 1,900 sq. ft premise with 14 tables with 40 seats, 1 bar with 12 seats, and the maximum proposed occupancy is 74 people, there is no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation will be Sunday from 4 p.m. to 12 a.m., Monday to Wednesday from 4 p.m. to 2 a.m. and Thursday to Saturday from 4 p.m. to 4 a.m., the establishment will be a dining focused on a menu of small plates, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, the stipulations, which are requested to be incorporated into the “method of operation” for the applicants Full On-Premise license transfer are:

1. **Hours of Operation:** On each Sunday, the Establishment shall close no later than **MIDNIGHT**. On each Monday through Wednesday, the Establishment shall close no later than **2:00 AM**. On each Thursday through Saturday, the Establishment shall close no later than **4:00 AM**.
2. **Certificates, Permits and Related Documents:** The Operator shall obtain all required certificates, permits and related documents.
3. **Traffic:** The Operator will use reasonable efforts to remedy any traffic issues brought to its attention, to the extent that it can. The Operator shall direct staff to monitor the patrons of the Establishment who are gathered outside the Establishment and the staff shall direct such persons or traffic going to and from the Establishment to keep the area clear. The Operator will clean any debris left by its patrons (ie: cigarette butts, etc.) from the area in front of the Establishment and the area in front of the apartment buildings next door.

4. **Manager:** The Operator shall be on duty at all times for at least the first four years of operation and have an English-speaking general manager or manager on duty, capable of adequately communicating with residents of the community, to be present at the Establishment during all hours of operation when the Operator has a day off or is on vacation. All Managers and staff will operate under these stipulations as well. Any complaints made about the Establishment to BAMRA will be relayed to the Operator and the Operator will make his phone number available to complainant and will work with both the complainant and BAMRA to reasonably resolve any issues.
5. **Music:** The Operator shall play quiet, background level music inside the Establishment and shall not play any music whatsoever outside the Establishment. The Operator shall not permit DJs, live music or outside promoters in the Establishment.
6. **Television:** The Operator shall have no more than one 50” television that will not be visible from the street. The television shall remain in its current location in the back of the restaurant. The television shall operate without sound at all times except for ten (10) events per year. The Operator shall give at least 24 hours notice to BAMRA through Shannon Tyree or to the subsequent Chair of BAMRA’s SLA Committee of each event for which it plans to use the television with sound. None of these events shall be promoted in any advertisement visible on or from the street. The Operator shall employ additional staff for these events and said staff will operate under the same stipulations as listed above in “Traffic.” The front door will remain closed throughout the entirety of the sound-enabled, televised events.
7. **Soundproofing:** The Operator shall hire a certified acoustical consultant to make recommendations such that the Establishment will meet or exceed the current New York City Noise Code guidelines for residential areas. The Operator shall keep the soundproofing already in existence in the Establishment. Should any noise generated by sound reproduction equipment, by patrons and staff, and by commercial equipment such as HVAC equipment, air handlers, compressors and fans become an issue for neighboring residents, Operator will use best efforts to remedy the issue to make sure that noise does not emanate from the Establishment, or its equipment, in any direction and meets or exceeds New York City noise code.
8. **Front Door:** The Operator shall keep the door closed any time music is playing or the television is operating with sound. The Operator shall not operate any outdoor speakers or sound amplification and shall not deliberately direct any sound outside of the Establishment.
9. **Windows:** The Operator shall cause the windows to be closed and inoperable at all times.
10. **Basement:** The basement shall never be used to hold, seat or serve patrons.
11. **Sanitation:** The Operator shall not place refuse at the curb except as close to pick up as possible. The Operator shall use reasonable efforts to arrange or coordinate trash pick up with a nearby merchant to try to limit the number of trucks that collect trash on the block.
12. **Lighting:** The Operator shall not install signage on or within the Establishment that will be lit by neon lighting or any lighting that adversely and unreasonably disturbs residents living near the Establishment. The Operator shall use string LED lights on the stairs. If Operator obtains approval from the FDNY to install “candle troughs” in the stairs, Operator will come back to BAMRA with the evidence that it has been approved.
13. **Advertising:** The Operator shall not attempt to steer the public from the sidewalk into the Establishment. The Operator shall not distribute any fliers on the sidewalk or street. The Operator will have one flag hanging from the second floor of the establishment and a board used only in the stairwell of the Establishment.
14. **Notification Of Change Of Ownership:** The Operator shall notify Manhattan Community Board 2 in the event of a change of ownership as required by law.
15. **Events:** The Operator shall not host third party private events, meaning an activity by a non-affiliated group or individual where the Operator has no responsibility or staff involved. The Operator shall not participate in any “pub/bar crawls” or any other organized, multi-establishment

16. drinking events. The Operator shall not allow any drinking games in the Establishment. Nothing herein shall prohibit the Operator from having private events run by Operator that adhere to the stipulations above. 16.
17. **License Renewal:** The Operator will appear before BAMRA and CB#2, Man. before renewing this liquor license, to determine if the stipulations.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the transfer of an on-premise liquor license for **Sip & Dine, LLC, TBD, 82 W. 3rd St. 10012**, **unless** those conditions and stipulations agreed to by the applicant relating to the 4<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On-Premise license.

**Vote:** Unanimous, with 42 Board members in favor.

**2. An Entity to be formed by Massimo Lusardi & Luigi Lusardi, d/b/a TBD, 289 Bleecker St. – Transfer 1114236**

**Whereas**, the applicant appeared before the committee to present a license transfer application for a full on-premise license for a casual restaurant that will focus on multi-regional Italian cooking; and,

**Whereas**, this application is for the transfer of an on-premise license (#1114236) for a restaurant in a mixed-use building for a 3,500 sq ft premise (1750 sq ft ground floor and 1,750 sq ft basement for storage and prep only – no customer use) on the corner of Bleecker Street and 7th Avenue South ( block # 590 / lot # 53), there will be 16 tables and 52 seats and 1 bar with 12 seats for a total of 64 seats and a maximum occupancy of 74, there will be no sidewalk café and no use of a backyard garden; and,

**Whereas**, the applicant stated the hours are 8:00 a.m. – 1:00 a.m. Sunday to Saturday, music is quiet background only generated from ipod/c.d.’s; and,

**Whereas**, there will be no promoted events, no scheduled performances, no outside promoters, no events for which a cover fee is charged, no velvet ropes or movable barriers will be utilized; and,

**Whereas**, there were 2 residents or community speakers in support of this application and a petition with 157 signatures in support; and,

**Whereas**, the main concern from the community were the late closing hours which the applicant agreed to reduce to 1:00 a.m. from 2:00 a.m. which CB#2, Man. recognizes as a strong effort to work with the community; and,

**Whereas**, the applicant executed a stipulations agreement that they agreed would be attached and incorporated in to their method of operation on their SLA license stating that:

1. The hours of operation are 8:00 a.m. – 1:00 a.m. Sunday to Saturday.
2. All Doors and Windows will be closed at 10 p.m. or when music is audible. The applicant understands there are no exceptions permitted. The applicant is installing sound proofing as required.
3. There will be no dj’s ever and no promoted events. Music will be quiet background music only.
4. The applicant will post a please respect the neighbors sign.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of an on-premise liquor license for **An Entity to be formed by Massimo Lusardi & Luigi Lusardi, d/b/a TBD, 289 Bleecker St., unless** those conditions and stipulations agreed to by the applicant relating to the 7<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On-Premise license.

**Vote:** Unanimous, with 42 Board members in favor.

**3. Hunkey Munkey, LLC, 302 Bleecker St. 10014 – Transfer - #1121740**

**Whereas**, the applicant appeared before the committee to present a license request for a “transfer” of a previously Indian restaurant to become an “American fare” restaurant, one of the principals in the previous entity will continue to be a principal in the new entity, but to be clear, this is a new corporation with other principals who will be involved; and,

**Whereas**, this application is for the transfer of an on-premise license (#1121740) for a restaurant in a mixed-use building for a 6,240 sq ft premise (3,120 each basement and 1<sup>st</sup> floor, patrons only on 1<sup>st</sup> floor) on the Bleecker Street between Grove and Barrow Street (block # 588 / lot # 26), there will be 17 tables and 34 seats and 1 bar with 10 seats, a back yard garden with 7 tables and 14 seats for a total of 65 seats and a maximum occupancy of 74, there will be no sidewalk café; and,

**Whereas**, the applicant is requesting a dramatic increase in the previous hours of operation; and,

**Whereas**, the applicant stated the hours of operations are to be:

Interior: 12:00 p.m. – 2:00 a.m. Sunday to Wednesday  
          12:00 p.m. – 4:00 a.m. Thursday to Saturday  
Garden: 11:00 a.m. – 11:00 p.m. Sunday to Thursday  
          12:00 p.m. – 12:00 a.m. Friday to Saturday

**Whereas**, there will be no promoted events, no scheduled performances, no outside promoters, no events for which a cover fee is charged, no velvet ropes or movable barriers will be utilized, music is quiet background only generated from ipod/c.d.’s; and,

**Whereas**, CB#2, Man. is concerned that the application for this transfer does not coincide with the size and images presented. This location is supposedly for 3,120 s.f. on the ground floor and yet there are only 17 tables and 34 seats inside. There are images of the backyard garden in this application that show more than the requested number of tables in this application and it is the concern of CB2 as to whether or not the backyard garden is legal and CB2 requests that the Liquor Authority ask the applicant to request a Department of Building permit which specifically includes use for the outdoor space/rear yard garden; and

**Whereas**, CB#2, Man. does not believe that this request to “transfer” this license is in the public interest because of the change in method of operation from the previous establishment with a dramatic increase in hours of operation and a change from an Indian restaurant to American Cuisine, because the applicant did no outreach to the neighboring residential buildings regarding the hours of operation of the rear yard garden in particular which will have a dramatic effect on the existing noise level, because the late night hours of operation will contribute further to late night quality of life issues that are well documented in this area and exacerbate traffic concerns as customer enter and leave the establishment via taxi’s and there is already no parking available on weekends in the area as a consequence of the overwhelming number of licensed premises and CB#2, Man. believes this establishment will operate exclusively as a bar at later

hours instead of a restaurant due to the lack of patrons in this area patronizing restaurants at late hours, that the previous entity from which this license is being transferred advertises on their website hours of operation Sunday to Thursday ending at 11 p.m. and Friday-Sat ending at midnight in stark contrast to the hours presented, and there are already more than 33 Full On-Premise Licenses within 500 ft;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of the transfer of an on-premise liquor license for **Hunkey Munkey, LLC, 302 Bleecker St. 10014.**

**Vote:** Unanimous, with 42 Board members in favor.

#### **4. Tong Hospitality, Inc. d/b/a Spice, 39 E. 13th St. 10003 - Alteration**

**Whereas**, the applicant appeared before the committee to apply for an alteration which includes adding 855 sq. ft. on the 6th floor to their license; and,

**Whereas**, this application is for the alteration of an existing on-premise liquor license (#1198847) in a commercial building located on East 13th Street between University Place and Broadway (block # 565/lot #11), for a 6,975 sq. ft premise (including proposed alteration) which will now be 51 tables with 107 seats, 1 food counter with 16 seats, 1 bar with 6 seats, and the maximum proposed occupancy is 129 people, there is no sidewalk café and no backyard use; and,

**Whereas**, this application is to add 21 tables and 50 seats with 1 service bar on the 6th floor; and,

**Whereas**, the hours of operation will be Sunday to Thursday from 11:30 a.m. to 10:30 p.m. and Friday and Saturday from 11:30 a.m. to 11:30 p.m., music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, this additional space, which has never been licensed before, can only be accessed by elevator from within the current restaurant; and,

**Whereas**, this additional space has an outside balcony that will not be used by customers and the doors and windows will be closed at all times and plantings will be established to buffer sound from the neighborhood; and,

**Whereas**, CB2 has concerns about the loss of retail/ business locations that support the daily needs of the residents and a growing concern that too many locations have or will become licensed which is causing overwhelming traffic issues and other quality of life issues that only continue to grow with each newly licensed location; and,

**Whereas**, this neighborhood around University Place is a saturated area and the neighborhood associations has supplied documents showing that in the last 18 months, alone, there has been an increase of 31,800 s.f. of newly licensed locations and there are now a total of 36 licenses within 500 feet; and,

**Whereas**, there have been catered events in the past at this location and those events have caused tremendous quality of life issues for the residential tenants in the buildings which face this location, specifically due an increase in the existing noise level as a result of one wall being entirely operable glass doors onto a terrace which do not attenuate sound and there are concerns that it will be impossible to not use the outdoor space because it is so inviting and nice looking that the applicant will not be able help either using the space or request in the future to use the space, there are also already other uses on upper

floors in the area which already create significant noise issues in the area and the disjointed connection between this space and the existing restaurant 6 floors away only accessible by elevator is not an appropriate extension for a licensed premise in a residential area; and,

**Whereas**, these neighborhood associations are reporting increased crowding around these locations and on all sidewalks due to the increase of so many licenses in a heavily residential area; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of the alteration of an on-premise liquor license for **Tong Hospitality, Inc. d/b/a Spice, 39 E. 13th St. 10003**

**Vote:** Unanimous, with 42 Board members in favor.

**5. Galata, Inc. d/b/a I Tre Merli, 463 W. Broadway, 10012 – Alteration (SN 1025086)**

**Whereas**, the applicant appeared before the committee to apply for an alteration to the interior space which consist of creating a newly constructed bar near the entrance of the restaurant and eliminating the old bar; and,

**Whereas**, this application is for the alteration of an existing on-premise liquor license in a commercial building located on West Broadway between Houston and Prince Street (block # 515/ lot #0007), for a 2,500 sq. ft premise which will now be 22 tables with 76 seats, 1 bar with 15 seats, and the maximum proposed occupancy is 100 people, there is no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation will be Sunday from 12:00 p.m. to 12:00 a.m. and Monday to Wednesday from 12:00 p.m. to 1:00 a.m. and Thursday to Saturday from 12:00 p.m. to 2:00 a.m., music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be **no d.j.**, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, this location has had many issues with the community regarding noise in the past and as a consequence moved the bar to the back of the establishment and decreased the size by three seats in 2010 which helped decrease the noise issue for the residents and improved the deteriorating quality of life issues previously caused by this location, specifically as they relate to noise; and,

**Whereas**, this application wants to move the bar back to the front and increase the seating back to 15 seats the way it was originally because the applicant states the current layout is not working; and,

**Whereas**, a number of members of community from surrounding residential buildings appeared before CB2 against this alteration stating that it will only bring back the unwanted noise out onto the street and to the residents next door whose bedrooms are all adjacent to the connecting wall where the applicant wants to place the bar, and the bar will now be located under skylights which have no soundproofing; and,

**Whereas**, the applicant refused to stipulate to closing the doors at 9 p.m. and says he now cares about complaints from his neighbors and will address them as needed, but he does not think closing the doors at 9 p.m. will ameliorate any potential noise situations; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of the alteration of an on-premise liquor license for **Galata, Inc. d/b/a I Tre Merli.**

**Vote:** Unanimous, with 42 Board members in favor.

**6. Wisdom Foods Carmine Street, LLC d/b/a Ellary's Green, 33 Carmine St. 10014 – New Beer and Wine**

**Whereas**, the applicant appeared before the committee to apply for a New Beer and Wine license for a natural and organic café style restaurant serving breakfast, lunch and dinner, organic juice, smoothies, coffee, tea and beer and wine; and,

**Whereas**, this application is for a new Beer and Wine license in a mixed-use building located on Carmine Street between Bedford and Bleecker Street (block # 586/ lot #0032), for a 1,750 sq. ft premise which will have 13 tables with 32 seats, no bar, and the maximum proposed occupancy is 74 people, there is no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation will be Sunday to Saturday from 7:00 a.m. to 11:00 p.m., music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, the applicant agreed and signed the following stipulations to CB2:

1. Music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers.
2. All windows and doors are to be closed by 10:00 p.m.
3. There will be no customers in the basement of this establishment.
4. The hours of operation will be Sunday to Saturday from 7:00 a.m. to 11:00 p.m.

**Whereas**, this is another location within CB2 that has never been licensed by the SLA before; and,

**Whereas**, CB#2, Man. has concerns about the loss of retail stores that support the daily needs of the residents and a growing concern that too many locations have or will become licensed which is causing overwhelming traffic issues and other quality of life issues that only continue to grow with each newly licensed location; and,

**Whereas**, there were no community members either in support or against this application; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a Beer and Wine license for **Wisdom Foods Carmine Street, LLC d/b/a Ellary's Green, 33 Carmine St. 10014, unless** those conditions and stipulations agreed to by the applicant relating to the 4<sup>th</sup> "whereas" clause above are incorporated into the "Method of Operation" on the SLA Beer and Wine license.

**Vote:** Unanimous, with 42 Board members in favor.

**7. Bare Burger Dio, 535 LaGuardia Pl. – Renewal of Beer and Wine**

**Whereas**, the applicant appeared before the committee: and,

**Whereas**, this application is for the renewal of their Beer and Wine license (#1244575 expires 8/31/2012) in a commercial building located on LaGuardia Pl. between West 3rd and Bleecker Street (block # 533/ lot #0010), for a 12,500 sq. ft premise which will have 22 tables with 58 seats, no bar, and the maximum proposed occupancy is 74 people, there is a sidewalk café but no backyard use; and,

**Whereas**, the hours of operation will be Sunday to Thursday from 11:00 a.m. to 11:00 p.m. and Friday and Saturday from 11:00 a.m. to 1:00 a.m., music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, this applicant was called before CB2 per the communities' request; and,

**Whereas**, the community has concerns that a gate where deliveries are made has not been locked and that homeless people are staying back in this area; and,

**Whereas**, the applicant agreed to work out a plan for their employees and the other business that use this area to make sure the gates are locked after each delivery; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the renewal of a Beer and Wine license for **Bare Burger Dio, 535 LaGuardia Pl.**, **unless** those conditions and stipulations agreed to by the applicant relating to the 6<sup>th</sup> "whereas" clause above are incorporated into the "Method of Operation" on the SLA Beer and Wine license.

**Vote:** Unanimous, with 42 Board members in favor.

#### **8. Hornblower New York, LLC d/b/a Hornblower Hybrid Vessel, Pier 40, 350 West St., NYC**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for a new Vessel Liquor license for a 168 foot long vessel for chartered Hudson River cruises stationed at Pier 40 with 97 tables, 390 table seats three decks (Main, 2<sup>nd</sup>, 3<sup>rd</sup>) and 3 bars with no bar seats with a maximum legal capacity of 650 persons, the vessel is currently holds all USCG permits; and,

**Whereas**, the applicant stated the hours of operation are Thursday through Sunday from 9:00 a.m. to 1:00 a.m.; there will open air decks; music will be Live DJ, Juke Box at entertainment levels and background levels; and,

**Whereas**, the applicant has been approved and authorized by the Hudson River Park Trust; and,

**Whereas**, the applicant has agreed to the following stipulations:

1. The applicant will return to Community Board 2 Manhattan, it requested, to discuss traffic issues as it relates to patrons arriving and departing Pier 40.
2. The applicant will have a designated parking facility at Pier 40 for every event

**Whereas**, the no one appeared in opposition; and,

**Whereas**, there are some concerns that the high volume of patrons proposed to arrive by vehicles in a very small window of time (less than one hour) between the hours of 5 pm and 6pm for two of the applicants dinner ships, which is a peak hour for usage of the park, would impact pedestrians, bicyclists and runners in the heavily trafficked Hudson River Park which vehicles would have to cross over in order to reach the designated parking area and CB2 has concerns as to how this might impact the safety of users of Hudson River Park and would like to revisit this issue should any problems arise; and,; and,



**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of an On Premise license for **Hornblower New York, LLC d/b/a Hornblower Hybrid, Pier 40, 350 West St. UNLESS ALL** conditions agreed to by applicant relating to the fifth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

**Vote:** Unanimous, with 42 Board members in favor.

**9. G Chew LLC, d/b/a Ciccio, 190 6<sup>th</sup> Avenue 10013**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for a new restaurant full on-premise liquor license for a neighborhood Italian café/restaurant that “will feature the specialties of Florentine cuisine through its quality prepared ingredients” located on ground floor of a 6 story mixed residential commercial building between Prince St. and Spring St. for a 884 square foot premise with 12 tables and 24 seats, 1 bar with 6 seats and 4 window counter seats for a total of 34 seats, there is a letter of no objection from the Department of Buildings, there will be no sidewalk café; and,

**Whereas**, the applicant stated that the hours of operation would be Sunday from 11 a.m. to 12 a.m., Monday-Thursday from 9 a.m. to 12 a.m., Friday from 9 a.m. to 2 a.m. and Saturday from 11 a.m. to 2 a.m., music will be quiet background only from ipod/cd’s, there will be no additional soundproofing installed, there will be no tv’s, there will be no dj’s, no live music, no promoted events, no scheduled performances, the sound system will be an ipod and small wall-mounted mini speakers; and,

**Whereas**, this location has not been previously licensed for any type of liquor license and was previously a furnishings and antique store, and there are 14 on-premise liquor licenses with-in 500 ft.; and,

**Whereas**, no one appeared in opposition or support, but the applicant did post in the area and presented a petition with local signatures; and,

**Whereas**, there was some concern that patrons from the establishment would loiter in the public park located immediately in front of the establishment and bring drinks to the benches, but the applicant stated that they would prevent this from happening at any time; and,

**Whereas**, the applicant agreed to the following stipulations which they will execute as a stipulations agreement that they agreed will be attached and incorporated in to their method of operation on their SLA license stating that:

1. The hours of operation would be Sunday from 11 a.m. to 12 a.m., Monday-Thursday from 9 a.m. to 12 a.m., Friday from 9 a.m. to 2 a.m. and Saturday from 11 a.m. to 2 a.m.
2. There will be an electric kitchen with venting to the rooftop and it will comply with all applicable codes.
3. There will never be a dj and music will be quiet background only.
4. All doors and windows will be closed no later than 10 p.m. The applicant understands there are no exceptions.
5. The establishment will be a restaurant only.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of an on-premise liquor license for **G Chew LLC, d/b/a Ciccio, 190 6<sup>th</sup> Avenue 10013 unless** the statements the applicant has

presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 7<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

**Vote:** Unanimous, with 42 Board members in favor.

**10. Corp. to be formed by Michael Shah (61 Gans Restaurant LLC) dba TBD, 53-59 Gansevoort St. 10014**

**Whereas**, the applicant appeared before the committee and,

**Whereas**, this application is for the “transfer” of an on premise license for a location which currently operates as Villa Pacri LLC dba Villa Pacri, Serial Number 1242771; and,

**Whereas**, this application encompasses the same space as the existing licensee Villa Pacri LLC and is a “full service restaurant paying homage to the meat packing district and old New York, with a Mexican inspired menu focused on local ingredients”, the premise exists on three floors collectively encompassing 10,000 square feet in a commercial building located on Gansevoort Street between 9<sup>th</sup> Avenue and Washington Street with 69 tables, 238 table seats, 2 stand up bars with 22 seats and 1 service bar across the three floors as listed on the supplied diagrams for a total of 252 interior seats; and,

**Whereas**, the current applicant has stated that they will stipulate to all stipulations that the previous licensee agreed to for its license in February 2010 and license renewal in June 2012

**Whereas**, the applicant has stated there will be a sidewalk café application in the upcoming future but no backyard garden; and, music will be background on the first two floors and DJ only in the basement; and

**Whereas**, the applicant has expressed their intent to operate under 3 DBAs (“Doing Business As”) with 3 separate ENTRANCES; and

**Whereas**, the applicant agreed to the following stipulations which they will execute as a stipulations agreement that they agreed will be attached and incorporated in to their method of operation on their SLA license stating that:

1. Ground Floor Café hours are Sunday –Saturday from 8:30 a.m. – 2:30 a.m.,
2. 2nd Floor Restaurant hours are Monday – Friday from 5:30 p.m. – 1:30 a.m. and Saturday and Sunday from 9:30 a.m. – 1:30 a.m.,
3. Basement Lounge hours are Seven Days a Week from 8:00 p.m. – 4:00 a.m.
4. The applicant has agreed to waive its rights to seek a DCA Cabaret license.
5. The applicant has agreed to provide hired, professional security at all times during evening hours.
6. The applicant has agreed to prohibit the use of promoters.
7. The applicant has agreed to not have velvet ropes in front of its entrances.
8. The applicant has agreed to close the ground floor windows and doors by 10:00 p.m. daily (the applicant understands that there are no exceptions to this as this has been a major issue for the community with the prior operator and is a direct contributor to quality of life issues for local residents in the vicinity of the applicant).
9. The applicant has agreed to abide by the regulations associated with all New York City Departments and safety organizations and will obtain all required certificates, permits and related documents (the expectation is that a valid Certificate of Occupancy whether temporary or final will be in effect at all times the establishment is operating and that a valid and current Place of Assembly will be in effect at all times of operation, both will be obtained prior to operating and presented to both CB2 and the Liquor Authority).

10. The applicant has agreed that the kitchen will be open until one hour prior to closing.
11. The applicant has agreed that there will be no live music, no promoted events, no events for which a cover is charged, and no scheduled performances.
12. The applicant has agreed that Security and doormen will be employed and utilized during all evening hours of operation.
13. The applicant has agreed that a sound limiter will be used on all music levels.
14. The applicant has agreed that employees will be trained on how to properly respond to noise complaints, including notify an appropriate party who will in turn notify a principle in the establishment.
15. The applicant has agreed that they will employ a general manager whose contact information is available to the community.
16. The applicant has agreed that no velvet ropes will be used.

**Whereas**, the applicant has reached out to members of the community prior to presenting this application and no objections were voiced provided that the applicant agreed to all previous stipulations from February 2010 and June 2012 and that this application did not now and would not in the future include any rooftop use and that all doors and windows specifically were closed at 10 pm; and,

**Whereas**, the CB2 Manhattan must point out that this neighborhood is heavily saturated with liquor license establishments and extenuating quality of life issues and severe traffic congestions, and therefore strongly urges the Liquor Authority to address any violations of the stipulations swiftly in consideration of CB2 Manhattan’s support for this “transfer” application; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of an on-premise liquor license for **Corp. to be formed by Michael Shah (61 Gans Restaurant LLC) dba TBD, 53-59 Gansevoort St. 10014**, unless the all statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 4<sup>th</sup> and 7<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

**Vote:** Unanimous, with 42 Board members in favor.

**11. Westville Hudson LLC, d/b/a Westville Hudson, 333 Hudson St. 10013**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for a new restaurant full on premise license in a previously licensed location for a “family style restaurant” that will be a quiet and well run operation “which caters to the immediate residential and commercial buildings in our area of operation” located in 10 story commercial building between Vandam and Charlton Streets for a 3,840 square foot premise (Basement 1,200 sf, 1<sup>st</sup> floor 2,640 sf patrons in 1<sup>st</sup> floor only) with 30 tables, 80 table seats, 1 bar with 16 seats for a total of 96 seats and a maximum legal occupancy of 162 persons per the existing Place of Assembly permit, there will be no sidewalk cafe; and,

**Whereas**, the applicant states the hours of operation will be Sunday-Wednesday from 9 a.m. to 12 a.m. and Thursday-Saturday from 9 a.m. to 1 a.m., there will be no security personnel, there will be no tv’s there will be quiet background music generated from ipod/cd’s, there will never be a dj or live music, no promoted events, no scheduled performances, no outside promoters, and no private parties; and,

**Whereas**, the applicant runs three other successful restaurants, one of which is located in CB2 at 210 West 10<sup>th</sup> Street which has not received any complaints that CB2 is aware of; and,

**Whereas**, the applicant agreed to the following stipulations which they will execute as a stipulations agreement that they agreed will be attached and incorporated in to their method of operation on their SLA license stating that:

1. There will be no dj's, no promoted events, no events for which a cover fee is charged, no scheduled performances.
2. All Doors and Windows will be closed at 10 p.m. The applicant understands there are no exceptions to this.
3. Basement is for storage only – no customer usage.
4. The hours of operation will be Sunday-Wednesday from 9 a.m. to 12 a.m. and Thursday-Saturday from 9 a.m. to 1 a.m.

**Whereas**, no one appeared in opposition and no letters were received in opposition, but there are more than 3 licensed on premise liquor licenses within 500 ft.; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of an on-premise liquor license for **Westville Hudson LLC, d/b/a Westville Hudson, 333 Hudson St. 10013** unless the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 5<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

**Vote:** Unanimous, with 42 Board members in favor.

**12. L Plus L Productions, LLC d/b/a Ofrenda, 113 7<sup>th</sup> Ave. South 10014 (SN 1234388)**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for a corporate change for an existing On Premise license serial number 1234388 to make Jorge Luis Guzman-Gonzalez the sole principal and 100% owner (he was previously a 15% owner and manager) and to alter the menu slightly to promote more traditional Mexican cuisine and there will also be some slight cosmetic improvements; and,

**Whereas**, the applicant originally appeared before CB2 Manhattan in September 2009; and,

**Whereas**, this is a “Mexican restaurant that has enjoyed enthusiastic patronage in its neighborhood since it opened for business two and a half years ago. It will continue to serve Mexican cuisine, at popular prices, with a more traditional Mexican menu”; the restaurant is located on 7<sup>th</sup> Avenue South between West 4<sup>th</sup> and Christopher Street in a 1,200 s.f. premise, plus 200 s.f. attic with 60 table seats, 1 bar with 10 seats, and a maximum legal capacity of 74 persons; there is what the applicant states is a currently licensed sidewalk café with 6 tables and 24 seats and,

**Whereas**, the applicant stated the hours of operation for the establishment are Sunday from 11:00 a.m. – 1:00 a.m., Monday-Thursday from 4 p.m. to 1 a.m. and Friday from 4 pm to 2 a.m. and Saturday from 11 a.m. to 2 a.m., there is no backyard garden; music is background only; and,

**Whereas**, no one appeared in opposition from the community; and,

**Whereas**, the applicant will stipulate and request to have incorporated into the method of operation on his SLA license all information contained in this resolution in addition to all information provided in the CB2 SLA Licensing Questionnaire which he submitted at the committee meeting; and

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of corporate change and alterations to the existing on-premise liquor license for **L Plus L Productions, LLC d/b/a Ofrenda, 113 7<sup>th</sup> Ave. South 10014 (SN 1234388)** **unless** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 7<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

**Vote:** Unanimous, with 42 Board members in favor.

**13. Ginza 4 LLC, 817 Washington St., New York, NY 10014**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for a new restaurant on-premise liquor license on the ground floor of a 1 story mixed use commercial building located on the Northeast corner of Gansevoort and Washington St., for a 2,500 sq. ft premise (1,800 sq. ft on ground floor and 700 sq ft cellar) with 23 tables with 85 seats, 1 bar with 8 seats, and 46 sidewalk café seats which are not a part of this application because the applicant has not appeared before CB#2, Man.’s Sidewalks, Public Facilities and Public Access Committee nor yet filed an application with the NYC Department of Consumer Affairs, the maximum proposed occupancy is 137 people, there is an existing Certificate of Occupancy, there is no backyard use; and,

**Whereas**, the hours of operation will be Sunday to Wednesday from 12 p.m. to 12 a.m., Thursday from 12 p.m. to 1 a.m. and Friday to Saturday from 12 p.m. to 2 a.m., the establishment will be a French restaurant that will operate as a pure restaurant concept, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j. no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, this application is a result of a request from Chairman Rosen and Commissioner Green of the Liquor Authority to the applicant to return to CB#2, Man. to present a new license application as potential resolution to cancellation proceedings currently ongoing regarding the existing licensed establishment Gans Mex LLC, serial number 1193736, which expired on July 31, 2011 and is currently operating under the provisions of the New York State Administrative Procedures Act; and,

**Whereas**, CB#2, Man. had recommended to the Liquor Authority in July 2011 to deny the renewal of the existing on premise license for Gans Mex LLC for a litany of ongoing violations, the severe impact the establishment has had on quality of life issues for the surrounding residential community and deceptive actions and unwillingness on the part of the licensee to correct these ongoing issues;

**Whereas**, the current applicant’s principles have been involved with the previous licensed establishment that is currently subject to revocation proceedings and were involved when many of the violations occurred but the extent of involvement is currently unclear to CB2 Manhattan and there are conflicting accounts as to the extent and timeline of this involvement, but nevertheless it appears clear that there was extensive involvement; and,

**Whereas**, the community members who have been involved in this issue and members of CB2 Manhattan have met with the applicants in good faith but were unable come to any agreements and were unwilling to support this application for a number of reasons including the current applicants involvement with the previous establishment and continuing violations which have occurred under the operation of the existing establishment under the management of the current applicants subsequent to January 2012 and until very recently; and,

**Whereas**, CB#2, Man. does not believe that the issuance of this license would be in the public interest absent a carefully negotiated and agreed upon set of stipulations and provisions for the operation of this establishment with the community and CB#2, Man. which does not seem possible based on the applicant's long involvement in the existing licensed premise and the issues surrounding the operation of the current establishment; and,

**Whereas**, there are approximately 20 existing licensed premises within 500 feet, many of which are large restaurants and clubs with multiple floors and bars and represent a large diverse mix of styles of operation and food service; and,

**Whereas**, there is an existing condition of significant traffic and parking issues in the area which is well documented and that this establishment would contribute to in a significant fashion given it's size and clientele; and,

**Whereas**, the currently licensed establishment at this location has significantly contributed to the existing noise level in the surrounding area as documented by the community and through violations issued to the detriment of the surrounding community and it would be reasonable to expect that a newly licensed premise would also contribute to the existing noise level regardless of their method of operation specifically in light of the proposed outdoor area and the large number of patrons that this venue can accommodate and that the venue would have music; and,

**Whereas**, there is an ongoing well documented history of ABC Violations, New York City Ordinance violations, and violations observed by the community of the previously agreed method of operation which have occurred on an ongoing basis even while under investigation by the SLA until just very recently at this premise; and,

**Whereas**, CB#2, Man. encourages the SLA to also review correspondence from members of the community in it's deliberations on whether the public interest would be served in the issuance of this license for additional reasons for why the issuance of this license would not serve any public benefit and detailed facts supporting those arguments; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of an on-premise liquor license for **Ginza 4 LLC, 817 Washington St., New York, NY.**

**Vote:** Unanimous, with 42 Board members in favor.

**14. Upright Holdings 547 LLC, formerly known as Naum Medevoy, TBD, 547 Hudson St. New York, NY 10014 (SLA Serial Number 1261312)**

**Whereas**, the applicant re-appeared before the committee for reconsideration after appearing before the New York State Liquor Authority for a tavern wine license; and,

**Whereas**, the applicant, the applicant's attorneys, members of the community and the Co-Chair of CB2's SLA Licensing Committee meet several times and had extensive discussions regarding the particulars of the establishment, the method of operation and the impact the issuance of this license would have; and,

**Whereas**, following CB#2, Man.'s SLA Licensing Committee meeting on August 14<sup>th</sup>, 2012 where the committee had a tie vote on recommending a "deny" "unless" resolution the applicant and members of the community met one last time and subsequently came to a mutually satisfactory agreement; and,

**Whereas**, the particulars of this agreement are embodied in a set of stipulations which all parties have agreed to request be incorporated into the “method of operation” with the SLA for the applicant’s tavern wine license and which will serve to modify the original presentation of this application to CB2 Manhattan as outlined in the original resolution dated December 15<sup>th</sup>, 2011 and sent to the Liquor Authority on December 22, 2011 and the applicants original license application submitted directly to the Liquor Authority; and,

**Whereas**, the stipulations which are requested to be incorporated into the “method of operation” for the applicant’s tavern wine license are:

1. Closing time: 11pm Sunday through Thursday; Friday and Saturday and national holidays 1 am.
2. No commercial use of backyard including no customer or staff access, except as necessary for repair of air-conditioning equipment and exterior building maintenance.
3. Windows and front door to remain closed at all times.
4. The Operator shall not have DJ’s, use outside promoters, have karaoke or allow promoted third-party events at the Establishment. This does not preclude the operator from using PR firms to promote their own business.
5. The operator shall play only background level music inside the establishment and shall not direct any music outside of the establishment. Only occasional live acoustical music with no amplification, either for instruments or voice occurring between the hours of 10 a.m. and 5 p.m. during brunch service. There will be no scheduled performances or performances for which a cover fee is charged.
6. Operators will not apply for a liquor license for two years from the first day of operation pursuant to wine and beer license. This statement in stipulation shall not be construed to imply community support of liquor license at any time.
7. Hours of operation consistent with wine and beer license will at all times be posted in front window.
8. Substantial menu items similar to those offered in afternoon and evening will be offered until closing each night.
9. While operators have no current intention to file for a sidewalk cafe permit, if they do at some time in the future, sidewalk service will end by 9 pm each week night and 10 pm Fridays, Saturdays and national holidays, and no more than 14 seats will be available on sidewalk.
10. Pin ball machines will only be installed in lower level. No pinball machines and other gaming equipment will be available for play on the street level of the establishment.
11. No TV's available for customer viewing will be installed in establishment.
12. Proper noise suppression on all air conditioning and kitchen ventilation equipment, with inside fan unit for latter, so as to eliminate noise audible outside of establishment. Proper venting of kitchen above roofline if external venting is installed.

**Whereas**, the applicant has stated that their agreement to the above stipulations is only provided and on the condition that CB2 recommends approval of the application, subject to these stipulations and that they will not be binding on the applicant without that approval and that once CB2 approves, they will submit these to the SLA as part of the amended method of operation; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of a new tavern wine license for **Upright Holdings 547 LLC, formerly known as Naum Medevoy, TBD, 547 Hudson St. New York, NY 10014** unless the statements the applicant has presented regarding this application are accurate and that those conditions and stipulations agreed to by the applicant modifying their application as outlined in the 5<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA tavern wine license.

**Vote:** Unanimous, with 42 Board members in favor.

**15. The Brick Cellar LLC dba The Brick Cellar, 100A 7<sup>th</sup> Ave. South (SLA License 1233401)**

**Whereas**, the principle Lawrence Page appeared before the committee regarding the renewal of this on-premise license; and,

**Whereas**, the current license was effective September 1, 2010 and expires August 31, 2012; and,

**Whereas**, there is no evidence **at all** that this establishment is either open and operating as a supper club as originally presented or that it ever opened and operated; and,

**Whereas**, the applicant appeared with a gentleman who is a part of Cirque-Tacular a performance group indicating they were in very preliminary stages of discussing performances at the location but the gentleman had never even visited the space yet; and,

**Whereas**, by the applicants own admission the premises has been closed for at least 8 months while he seeks performances to hold at the location; and,

**Whereas**, a member of CB2's SLA Licensing Committee who saw the space at the invitation of the Principle and indicated that it is not built out according to the floor plans submitted to both CB2 and to the SLA; and,

**Whereas**, it is clear that this license should not be active as the premise is not open and there is no evidence whatsoever that it even exists or has been open even though it is a supper club which should have a regular dining operation with performances as a complement and because of the type of operation there should at least be a presence in publications or online indicating evidence of ongoing past performances since September 2010 when the license was issued; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the renewal of the on-premise liquor license for **The Brick Cellar LLC dba The Brick Cellar, 100A 7<sup>th</sup> Ave. South (SLA License 1233401)**; and,

**THEREFORE BE IT FURTHER RESOLVED** that CB#2, Man. respectfully requests that the Liquor Authority review this matter and consider canceling the license if there is no evidence that this establishment has ever operated as was described to both CB2 and to the Liquor Authority on the original license application and if the establishment is acting a rental space and not a bonafide supper club with ongoing dinner service and regular performances.

**Vote:** Unanimous, with 42 Board members in favor.

**16. 343 Broome Street Restaurant Inc dba Randolph Beer, 343 Broome St. 10013 (SLA Serial Number 12667)**

**Whereas**, the applicant appeared before the CB#2, Man.'s SLA Licensing Committee; and,

**Whereas**, this applicant currently has a beer and wine license at this location SLA Serial Number 1258061 for which he is seek an upgrade; and,

**Whereas**, CB2 Manhattan did not receive the applicant's "30 Day Notice" and as a consequence did not hold a public hearing on this matter until the evening of the 500 ft hearing which occurred on August 14, 2012 which was the first opportunity to hold a hearing; and,



**Whereas**, a representative of CB#2, Man. was at the 500 ft. hearing to protest occurrence of the hearing in the absence of CB2 having never received a “30 day notice” form from the applicant; and,

**Whereas**, insufficient notice was given to the community and public at large that CB2 Manhattan would be hearing this matter on August 14, 2012; and,

**Whereas**, the applicant presented details of his SLA Application to CB#2, Man. which is for an upgrade to an already operating “craft beer focused restaurant specializing in modern American food with subtle Southeast Asian and Australian influences and American craft beer.

We are a family friendly neighborhood establishment accessible to all members of the community and offer reasonably priced food and drink for lunch, dinner and brunch services”, and,

**Whereas**, CB#2, Man. does not feel that the Public Interest would be served in the issuance of an On-Premise for this location because the existing beer wine license was only recently issued less than 6 months ago, there are a significant number of licensed premises in the area including 2 other On-Premise Licenses that already exist in the same building, including one of which is operated by principles of this establishment that is a separate business, because traffic and parking would be impacted, and because there would be an impact on the existing noise level; and,

**Whereas**, because of the insufficient notice to the community, members of the community were not able to meet with the applicant prior to CB#2, Man.’s hearing on the matter and discuss aspects of the method of operation or negotiate any agreed upon stipulations; and,

**Whereas**, this is **another** location within CB#2, Man. that has **never been licensed for an on-premise liquor license by the SLA** in an area that is already oversaturated with licenses and **this building already has three liquor licenses** for the existing beer bar, a full on-premise liquor bar and a full on-premise pool hall with lounge; and,

**Whereas**, CB2 just recently, in the last few months, approved 2 other locations within a block for a license and another license was approved over the objections of CB2 2 month’s ago; and,

**Whereas**, 3 community members spoke against this application stating over saturation and that this does not offer any unique public interest, public benefit or service despite the last minute notification; and,

**Whereas**, CB#2, Man. respectfully request the SLA to properly determine whether this location is located within 200 ft of the Main Entrance of the Holy Trinity Ukrainian Orthodox Church at 359 Broome St. which appears to be a free standing traditional Church Building with regular Church Services that are advertised in a traditional manner on the Church façade; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** to the new on-premise licenses for **343 Broome Street Restaurant Inc., dba Randolph Beer, 343 Broome St. 10013 (SLA Serial Number 1264767)**

**Vote:** Unanimous, with 42 Board members in favor.

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

**17. Laduree SoHo LLC, d/b/a Laduree, 396-398 W. Broadway 10012**

**Whereas**, the applicant did appear before the committee and accepted a withdrawal from the hearing; and,

**Whereas**, there seemed to be confusion regarding who held the lease for this location as an existing lease was presented by the current lessee; and,

**Whereas**, the current leaseholder is still operating in this location; and,

**Whereas**, CB2 requested that the applicant and current leaseholder work out this issue before CB2 hears this again; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any new liquor license for **Laduree SoHo LLC, d/b/a Laduree, 396-398 W. Broadway 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 42 Board members in favor.

**18. Cuvee Kitchen, LLC TBD, 24 Fifth Ave. 10011**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on August 14th, 2012, the applicant's attorney requested to withdraw the application from consideration; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Cuvee Kitchen, LLC TBD, 24 Fifth Ave. 10011** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

**Vote:** Unanimous, with 42 Board members in favor.

**19. Moo Kamibika, Inc. d/b/a Masala Times, 194 Bleecker St. 10012**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on August 14th, 2012, the applicant's attorney requested to withdraw the application from consideration; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Moo Kamibika, 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 42 Board members in favor.

**20. 202 Centre Corp. d/b/a Red Egg, 2020 Centre St. 10013**

**Whereas**, the applicant did appear before the committee and requested to be withdrawn from consideration; and,

**Whereas**, this application is for the Corporate Change to their On-Premise license; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** the corporate change of the proposed liquor license for **202 Centre Corp. d/b/a Red Egg, 2020 Centre 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 42 Board members in favor.

**21. Luxor Lounge, Inc. d/b/a Luxor Lounge, 118 MacDougal St. 10012**

**Whereas**, the applicant did appear before the committee and requested a layover and will resubmit the application at a future CB2 SLA Licensing Committee meeting; and,

**Whereas**, this application is for the corporate change of the On Premise license; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** the corporate change of the proposed liquor license for **Luxor Lounge, Inc. d/b/a Luxor Lounge, 118 MacDougal 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 42 Board members in favor.

**22. Lafayette Street Partners II d/b/a TBD, 380 Lafayette St.**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on August 14th, 2012, the applicant's attorney requested a layover and will resubmit the application at a future CB2 SLA Licensing Committee meeting; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Lafayette Street Partners II d/b/a TBD, 380 Lafayette St.** 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 42 Board members in favor.

**23. 47 West 8th Street Operating Group, Inc. TBD, 47 W. 8th St. 10011**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on August 14th, 2012, the applicant's attorney requested to layover and will resubmit the application at a future CB2 SLA Licensing Committee meeting; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license alteration for **47 West 8th Street Operating Group, Inc. TBD, 47 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 42 Board members in favor.

**24. Swiss Institute, 18 Wooster St.**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on August 14th, 2012, the applicant's attorney requested to layover and will resubmit the application at a future CB2 SLA Licensing Committee meeting; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Swiss Institute, 18 Wooster St.** 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 42 Board members in favor.

**25. 151 Blecker LLC d/b/a Red Lion, 151-153 Blecker St. 10012**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on August 14th, 2012, the applicant requested to withdraw the application from consideration; and,

**Whereas**, this application is for the alteration to their On-Premise license; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license corporate change for **151 Blecker LLC d/b/a Red Lion, 151-153 Blecker 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 42 Board members in favor.

**26. Phoenix Elizabeth Street, LLC d/b/a Jo's, 264 Elizabeth St. 10012**

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on August 14th, 2012, the applicant's attorney requested to withdraw the application from consideration; and,

**Whereas**, this application is for the alteration to their On-Premise license; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license corporate change for **Phoenix Elizabeth Street, LLC d/b/a Jos, 264 Elizabeth 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 42 Board members in favor.

**27. Rustic Table LLC, d/b/a The Quarter, 522 Hudson St. 10014**

**Whereas**, the applicant did appear before the committee and requested a layover and will resubmit the application at a future CB2 SLA Licensing Committee meeting and will perform additional community outreach and return with completed CB2 Liquor License Questionnaire Packets; and,

**Whereas**, this application is for the "transfer" of a beer and wine license; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** the "transfer" of the restaurant wine license for **Rustic Table LLC, d/b/a The Quarter, 522 Hudson St. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

**Vote:** Unanimous, with 42 Board members in favor.

**28. PGT Rest. Corp. d/b/a Slainte, 304 Bowery 10012**

**Whereas, Whereas**, prior to this months CB2 SLA Licensing Committee meeting on August 14th, 2012, the applicant's attorney requested to withdraw the application from consideration; and,

**Whereas**, this application is for the Corporate Change to their On-Premise license; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** the corporate change of the proposed liquor license for **PGT Rest. Corp. d/b/a Slainte, 304 Bowery 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 42 Board members in favor.

**29. MacDougal G. Corp. 116 MacDougal St. 10012**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on August 14th, 2012, the applicant requested to layover and will resubmit the application at a future CB2 SLA Licensing Committee meeting; and,

**Whereas**, this application is for the Corporate Change to their On-Premise license; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license or corporate change for **MacDougal G. Corp. 116 MacDougal 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 42 Board members in favor.

**30. Eater Eats Crow, LLC d/b/a Set Et Gras, 131 7th Ave. South**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on August 14th, 2012, the applicant agreed to layover and will resubmit the application at a future CB2 SLA Licensing Committee meeting; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Eater Eats Crow, LLC d/b/a Set Et Gras, 131 7th Ave. South** 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 42 Board members in favor.

**The following resolutions were voted on at the September SLA Licensing Committee meeting and adopted at the September Full Board meeting:**

**31. 47 West 8th Street, Operating Group, Inc. TBD, 47 W. 8th Street 10011 – New License**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for a new on-premise liquor license in a mixed use building located on West 8th Street between 6th Avenue and MacDougal Street (Block #572 / lot #66), for a 2,095 sq. ft. premise with 20 tables with 58 seats, 1 bar with 10 seats and 1 service bar, and the maximum proposed occupancy is 74 people, there is no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation will be Sunday to Thursday from 5:00 p.m. to 12:30 a.m. and Friday and Saturday from 5:00 p.m. to 2:00 a.m., the establishment will be dining focused on a new American menu with raw bar, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, the stipulations, which are requested to be incorporated into the “method of operation” for the applicants Full On-Premise license are:

1. Method of Operation

- (a) The establishment is a legitimate restaurant with a substantial kitchen and menu. It is not a nightclub, dance club, sports bar, or similar establishment.
- (b) Although it will have a bar, it will be a restaurant in character, with the focus on food.
- (c) There will not be televisions in the bar area.
- (d) Kitchen will remain open until one hour before closing.

2. Hours

- (a) The establishment will shut down by 12:30 a.m. Monday through Thursday, and by 2:00 a.m. Friday and Saturday at which time all patrons will have left the establishment.

3. Windows

- (a) The windows will be brought into compliance with the zoning for the Special Limited Commercial District, which requires: *“All permitted #uses# shall be located within #completely enclosed buildings#.”*
- (b) Should city interpretation of the LC district zoning regulations allow second floor windows to open slightly for ventilation (as the operator believes they will) the operator agrees to ensure that said windows are nevertheless closed by 10:00 pm seven days a week to prevent sound leakage.

4. Patron Noise

- (a) The operator will use persuasion, reminders, etc. to encourage late night patrons to come and go (and smoke) quietly, keep their voices down, and respect the hour and the resident's right to quiet homes.

5. Music

- (a) The operator stipulates that there will be no live music and that background music will be played at a soft level so as not to permeate into adjoining apartments and spaces.

6. Garbage

- (a) The operator will work with the Village Alliance BID to coordinate the carter and the time of daily trash pick-up to minimize the number of noisy garbage trucks on the block.
- (b) The operator will take steps to reduce as much as possible the clanking of discarded bottles in the handling of trash.
- (c) The operator will store trash prior to pick-up in an appropriate manner to prevent vermin and odor problems for the residents.

7. Façade

- (a) The operator will work with the NYC Landmarks Commission to ensure that the first and second floor commercial façade is in compliance with the Greenwich Village Historic District and other relevant landmark regulations.

8. Backyard

- (a) The operator will make physical alterations and installations necessary and appropriate to reduce the noise from the walk-in refrigeration facility in the backyard. This may include, but not be limited to: enclosing the walk-in with a baffling wall, insulating it with sound absorbing materials, etc.
- (b) There will be no glass separation or similar noisy work in the back yard.
- (c) Te operator will install such devices and procedures as necessary to reduce the slamming of the back door of the restaurant and the doors of the walk-in unit.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the new on-premise liquor license for **47 West 8th Street, Operating Group, Inc. TBD, 47 W. 8th Street 10011**, **unless** those conditions and stipulations agreed to by the applicant relating to the 4<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On-Premise license.

**Vote:** Unanimous, with 42 Board members in favor

**32. Phoenix Elizabeth Street, LLC d/b/a Jo’s, 264 Elizabeth St. 10012 - Alteration**

**Whereas**, the applicant appeared before the committee to present an alteration request to their current license; and,

**Whereas**, this application is for the alteration of an on-premise license (#1224252) for a restaurant in a mixed-use building for a 2,100 sq. ft. premise (1600 sq. ft. ground floor and 500 sq. ft. basement) on Elizabeth Street between Prince and Houston (block # 507 / lot # 19), there are 28 tables and 70 seats and 2 bars with 22 seats for a total of 92 seats and a maximum occupancy of 100, there will be no sidewalk café but there is an enclosed backyard garden; and,

**Whereas**, the alteration request is to remove 5 tables and replace with an additional full service bar with 8 seats; and,

**Whereas**, the applicant stated the hours are Sunday from 11:00 a.m. – 12:00 a.m., Monday to Thursday from 5:00 p.m. to 1:00 a.m. and Friday from 5:00 p.m. to 2:00 a.m. and Saturday from 11:00 a.m. to 2:00 a.m., music is quiet background only generated from ipod/c.d.’s; and,

**Whereas**, there will be no promoted events, no scheduled performances, no outside promoters, no events for which a cover fee is charged, no velvet ropes or movable barriers will be utilized; and,

**Whereas**, previously in 2009 the applicant agreed to stipulations which are still in place regardless of this alteration; and,

**Whereas**, the applicant agreed to operate a restaurant and have a menu and food items available at all times up until one hour before closing notwithstanding the backyard garden guideline; menu and food items available until 11:00 p.m. Sunday and 12:00 a.m. Monday to Thursday and 1:00 a.m. Friday and Saturday; and,

**Whereas**, the applicant has agreed to stop serving in the backyard garden area by 11:00 p.m. Sunday to Thursday and 12:00 a.m. Friday and Saturday; and,

**Whereas**, the applicant has agreed not to operate keep the backyard garden unless it is fully enclosed; and further agrees to obtain all approvals and permits from the New York City Department of Buildings to operate such enclosed garden; and,



**Whereas**, the applicant has agreed to not operate the restaurant, in particular the enclosed backyard garden until all other required certificates, permits and related documents from the New York City agencies, including a new Certificate of Occupancy and a Public Assembly Permit have been issued; and,

**Whereas**, it has been 3 years since these agreements were signed and there are still concerns by CB2 that there are still permits and a Certificate of Occupancy outstanding; and,

**Whereas**, there is a petition submitted by the applicant with 60 signatures in support, but the hours of operation do not match the agreed hours; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of an on-premise liquor license for **Phoenix Elizabeth Street, LLC d/b/a Jos, 264 Elizabeth St. 10012** unless those conditions and stipulations agreed to by the applicant relating to the 4th through the 10th “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On-Premise license.

**Vote:** Unanimous, with 42 Board members in favor.

### **33. MacDougal G. Corp., d/b/a 116, 116 MacDougal St. 10012 – Corporate Change**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for the Corporate Change of an on-premise license for a bar in a mixed-use building on the MacDougal Street between Bleecker and 3rd Street; there will be 4 tables and 16 seats a banquette with 16 seats and 1 bar with 8 seats, and a maximum occupancy of 74, there is no sidewalk café and no backyard garden; and,

**Whereas**, the applicant stated the hours are Sunday to Saturday from 4:00 p.m. to 4:00 a.m.; music is quiet background only generated from ipod/c.d.’s; and,

**Whereas**, the following stipulations were agreed to by the local neighborhood and CB2:

1. All of the following stipulations are to be added to the current stipulations of liquor license.
2. No music nor any of Owner’s staff or patron noise shall emanate from within the Establishment in any direction outside of the Establishment at any time.
3. Owner shall install a reconfigured vestibule, including moving the inner door back 3 to 4 feet and installing a sound curtain in between the inner and outer doors and will complete the construction of the new vestibule by November 10, 2012.
4. Owner attests that he has installed appropriate and effective sound proofing material in the vestibule of the Establishment and has installed hinges that allow the vestibule doors to close more quickly, thereby insuring that he can comply with “2” above.
5. Owner attests that he has removed bass-heavy speakers and will not allow any third party or staff to bring and use any additional speakers in the Establishment at any time.
6. Owner shall make any changes necessary to Establishment’s sound system to comply with "2" above.
7. Security personnel from the Establishment shall remain after Establishment closes to ensure that Establishment patrons leave the area quietly.
8. Security personnel from the Establishment shall ask any of the Establishment's patrons who are smoking or otherwise standing outside of Establishment during business hours to keep their noise to a minimum so as not to disturb the residents of MacDougal street.

**Whereas**, there will be no promoted events, no scheduled performances, no outside promoters, no events for which a cover fee is charged, no velvet ropes or movable barriers will be utilized, music is quiet background only generated from ipod/c.d.'s; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial to the Corporate Change of an on-premise liquor license for **MacDougal G. Corp., d/b/a 116, 116 MacDougal St. 10012** unless those conditions and stipulations agreed to by the applicant relating to the 4th and 5th “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On-Premise license.

**Vote:** Unanimous, with 42 Board members in favor.

#### **34. PGT Rest. Corp. d/b/a Slainte, 304 Bowery, 10012 – Corporate Change**

**Whereas**, the applicant appeared before the committee to apply for the corporate change which entails buying the entire shares of minority shareholder, Garrett Rogers; and,

**Whereas**, this application is for the corporate change of an existing on-premise liquor license (#1144279) in a mixed-use building located on Bowery between Bleecker Street and Houston (block #521/ lot #80), for a 3,800 sq. ft premise which has 14 tables with 48 seats, 1 bar with 18 seats, and the maximum occupancy is 74 people, there is an existing unenclosed sidewalk café but no backyard use; and,

**Whereas**, there will be no changes to the method of operation; and,

**Whereas**, the hours of operation will be Sunday to Saturday from 11:00 a.m. to 2:00 a.m.; music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial to the Corporate Change of an on-premise liquor license for **PGT Rest. Corp. d/b/a Slainte, 304 Bowery, 10012** unless those conditions and stipulations agreed to by the applicant relating to the 3rd and 4th “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On-Premise license.

**Vote:** Unanimous, with 42 Board members in favor.

#### **35. PGT Rest. Corp. d/b/a Slainte, 304 Bowery, 10012 – Alteration**

**Whereas**, the applicant appeared before the committee to apply for an alteration to their on-premise license to include an unenclosed sidewalk café; and,

**Whereas**, this application is for the alteration of existing on-premise liquor license (#1144279) in a mixed-use building located on Bowery between Bleecker Street and Houston (block #521/ lot #80), for a 3,800 sq. ft premise which has 14 tables with 48 seats, 1 bar with 18 seats, and the maximum occupancy is 74 people, there is an existing unenclosed sidewalk café but no backyard use; and,

**Whereas**, the hours of operation will be Sunday to Saturday from 11:00 a.m. to 2:00 a.m.; music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, this alteration is to include a sidewalk café with 16 seats and the hours of operation will be compliant to DCA rules and regulations (Department of Consumer Affairs); and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** to the alteration of an on-premise liquor license for **PGT Rest. Corp. d/b/a Slainte, 304 Bowery, 10012** **unless** those conditions and stipulations agreed to by the applicant relating to the 3rd and 4th “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On-Premise license.

**Vote:** Unanimous, with 42 Board members in favor.

**36. Lafayette Street Partners II d/b/a TBD, 380 Lafayette – New License/ Transfer**

**Whereas**, the applicant appeared before the committee to apply for a new/ transfer on-premise license for a full service restaurant offering breakfast, lunch and dinner with a takeout bakery/café; and,

**Whereas**, this application is for the transfer of the on-premise license in a mixed-use building located on Lafayette Street between Great Jones and 4th Street (block #531/ lot #12), for a 5,000 sq. ft premise which will have 65 tables with 302 seats, 2 bars with 24 seats, for total of 326 seats, the maximum proposed occupancy is 363, there is a sidewalk café but no backyard use; and,

**Whereas**, the hours of operation will be Sunday to Saturday from 7:00 a.m. to 2:00 a.m., music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, the applicant agreed and signed the following stipulations with NoHo Bowery Stakeholders (the neighborhood association) and CB2:

**Lafayette Street Partners II d/b/a TBD, 380 Lafayette St-(2 bars), hereby agrees as follows:**

1. **Lafayette Street Partners II** will not seek to transfer this license to a third party without seeking consent through hearing at the SLA Committee of CB#2 Manhattan.
2. **Lafayette Street Partners II** will also seek review through CB#2 Manhattan should the principals of the corporation change.
3. **Lafayette Street Partners II**, will include the following in their Method of Operation attached to this On-Premise License application to the State Liquor Authority:
  - a. The establishment will close at 2 a.m. everyday. Last seating will be no later than 12 midnight on any night.
  - b. The inside capacity and Public Assembly Permit attached to this license/these license applications will reflect the following maximum usage: 212 table/counter seats; 1 bars and 14 bar seats on the first floor and 90 table seats, 1 bar(s) and 10 bar seats in the below grade space with no more than 336 patrons and employees on the premises.
  - c. There will be a sidewalk café with no more than 23 tables, 84 seats that will comply with all amendments, approvals and statutes of CB#2 Manhattan and the Department of Consumer Affairs.
  - d. **Lafayette Street Partners II will continue to maintain a video monitoring system for entrance(s) and street activity monitored by two to three hosts managers at host stand.** In the event of heavy patron activity **Lafayette Street Partners II** will provide for

street personnel to manage congestion and disturbance. on the sidewalk in front or side entrances of this establishment, Thursday through Saturday from 10:00 p.m. to closing.

- e. The establishment will actively engage in all efforts to keep the sidewalk and gutters free of debris and waste at all times, including the provision of metal containers in which to store garbage until third-party pick up and that all effort will be made to avoid garbage pick-ups between the hours of 2am and 6 am, seven days a week.
- f. Abide by all the regulations of the Dept of Buildings and the Landmark Preservation Commission in the operation of their business at this address, including, but not limited to the Certificate of Occupancy, the Public Assembly Permit and exterior signage and design.

4. Commitments regarding Special Events. Special Events will be defined as any of the following: (a) a group consisting of 50 or more people who will be using the restaurant during normal hours of operation or (b) any group, including Lafayette Street Partners II management, which has reserved the exclusive use of the restaurant for a private function. Special Events will be subject to the following restrictions:

- (i) Lafayette Street Partners II will limit the number of guests attending Special Events in the Building to no more than the total permitted Public Assembly named on the venue's license per day at any given time.
- (ii) Lafayette Street Partners II will require that any Special Event for 50 or more guests will require the responsible party (and if it is Lafayette Street Partners II that is holding the Special Event, they will be equally bound) to enter into an Events Contract stipulating:
  - (a) that the event will be primarily food service oriented with incidental liquor service,
  - (b) that any special event will end by 2 am,
  - (c) that dedicated Special Events personnel will be required to be posted on Lafayette and or Great Jones Sts for the entire period of the event to ensure that guests congregating or smoking on the Street be directed away from any other residential or merchant building entrances; that vehicles associated with the Special Event do not block the street, and that drivers are made aware of the special parking arrangements at nearby lots or garages,
  - (d) that there will be no post-event removal of rented equipment after midnight and before 6 am, and,
  - (e) that in the event an outside party will use its own sound amplification devices, the maximum permitted volume established for sound system pursuant to paragraph 6 of this Agreement will apply to those devices.

5. Commitments to Appoint Community Liaison. Lafayette Street Partners II will assign at least one person ("Community Liaison") who will be available to speak with NBS officers or directors during normal weekday business hours concerning any matter related to compliance with the terms of this Agreement. In addition, during non-business hours, the Manager on Duty will serve in this capacity with full authority to enforce the terms of this Agreement in the event emergency contact is required.

6. Commitments to Contain Sounds. Lafayette Street Partners II agrees to design and operate the venue so as to comply with all NYC Noise Code standards. Should reasonable complaint be made to NBS and presented to Lafayette Street Partners II, and should any measures taken by Lafayette Street Partners II to answer such complaint(s) not be sufficient to abate such sound, Lafayette Street Partners II agrees to, at their own expense, conduct sound testing to assure that any amplified, non-amplified sound or HVAC system sound is not present or audible outside or inside the contiguous residences beyond NYC noise control code levels. Such testing will establish a permitted maximum volume for the venue's interior sound systems and such volume will be made part of any Special Events contract as set forth in paragraph 5. In the event of exterior HVAC system sound, a testing period will be established for not less than one week during normal hours of daytime and evening operation. Those affected NBS members with property contiguous to the Building agree to make available and provide access to at least one unit for the installation and monitoring or sound meter device(s).

If the results indicate that the noise levels within the neighboring buildings or on balconies exceed code, or if any future similar testing by any of the Community Owners indicates code exceedances, Lafayette Street Partners II agrees to either repair or replace the equipment producing the exceedances or install sound attenuating material sufficient to remediate the code exceedances, within thirty (30) days or as soon as practicable after receipt of the report.

6. Commitments to Prevent Odors and Restrict Locations of Mechanical Systems. Lafayette Street Partners II having taken over an already built facility that has not received community complaint agrees to maintain its mechanical systems to provide industry standard venting and equipment to minimize kitchen-related venting sound and odors. The location of all roof-top mechanical equipment is contained in Exhibit A and will remain in its historical pre-existing location. Should any change in equipment or use of the venue (wood burning stoves, bread-baking facilities, additional meat broilers, pizza ovens, etc.) be added Lafayette Street Partners II agrees no kitchen-related vents or hoods will be placed at sidewalk level or within \_\_ feet of a window of a contiguous building; that they upon conference with affected building owners/residencies will install sound or odor abating equipment, including but not limited to electrostatic precipitator(s) sufficient to contain such sound or odors within an agreed upon period between all parties but no longer than 120 days.

8. Commitments regarding Public Support and Cooperation.

Provided the SLA Application and the DOB Plans remain consistent with the terms and intent of this Agreement, and the terms of any license approved by the SLA pursuant to the SLA Application are consistent with the terms and intent of this Agreement, NBS agrees that no Party to this Agreement shall appear, either directly, through a representative or proxy or through cooperation with any association in opposition to the SLA Application nor shall any Party to this Agreement subsequently commence or assist in any legal, administrative, or any other public proceedings which seeks to overturn approval of the SLA Application.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the transfer of the On-Premise license for **Lafayette Street Partners II d/b/a TBD, 380 Lafayette, unless** those conditions and stipulations agreed to by the applicant relating to the 3rd and 4<sup>th</sup> "whereas" clause above are incorporated into the "Method of Operation" on the SLA On-Premise license.

**Vote:** Unanimous, with 42 Board members in favor.

**37. Brewster Coachmakers, LLC, 177 Mott Street 10012 – New On-Premise license: Originally approved 11/2010**

**Whereas**, the applicant appeared before the committee due to the fact that their recommended approved license by CB2 had no action and had lapsed and needed to reappear with updated material: and,

**Whereas**, this application is for the new on-premise license which was approved in November 2010 in a mixed-use building located on Mott Street between Kenmare and Broome Street (block # 480/ lot #37), for a 4,600 sq. ft premise which will have 26 tables with 124 seats and 1 bar with 12 seats in the Cellar and 6 tables and 12 seats and no bar on the ground/ 1st floor, and the maximum proposed occupancy is 156 people, there is no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation will be Sunday to Saturday from 12:00 p.m. to 2:00 a.m. in the Cellar and Sunday to Saturday from 7:30 a.m. to 10:00 p.m. on the ground floor, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, the applicant had previously agreed to the following stipulations which are still valid and added several new ones which they will execute as a stipulations agreement agreed that they would be attached and incorporated in to their method of operation on their SLA license stating that:

1. The applicant has agreed to correct any and all pending ECB violations and obtain all required certificates, permits and related documents, including but not limited to a new Certificate of Occupancy and Public Assembly Permit prior to opening the establishment.
2. Soundproof the entire establishment.
3. Operate an upscale, full service restaurant only.
4. Not to permit third party private events.
5. Will provide a General Manager or Principal Agent's contact information to the neighbors.
6. Will post a "please respect the neighbors" type sign in front of the establishment.
7. Keep the sidewalk facing Mott Street clean on a daily basis.
8. There will be no dancing, DJs, live musical performances, third party promoters or any other nightclub like activity in the establishment.
9. Will provide a dedicated staff member or doorman to monitor the crowds or traffic in front of the establishment at ALL times.
10. Will provide food and menu items available at all time.
11. Will re-appear in front of the CB2's SLA committee for a 6-month review.
12. The liquor license will not transfer without proper notification and evaluation by CB2, Manhattan.
13. The Public Assembly Permit should match the total occupancy allowed.
14. Only entrance to basement portion of the premise will be by elevator, stairways will only be used for egress only (no exceptions). The rationale is that the elevator vestibule area will be use as a holding area so that no patrons are waiting or loitering in front of the establishment.
15. There will be a dedicated staff presence on the ground level at the entrance at all times

**Whereas**, there were some concerns that a Place of Assembly permit would be obtained from the Department of Buildings for the basement only according to the applicants when this concept has always been presented as one entity operating on both the ground floor and basement which CB2 Manhattan means to understand that the Place of Assembly permit should cover both floors and not just the basement as both floors are considered and operated as one establishment; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the new on-premise license for **Brewster Coachmakers, LLC, 177 Mott Street 10012** **unless** those conditions and stipulations agreed to by the applicant relating to the 3rd and 4<sup>th</sup> “whereas” clauses above are incorporated into the “Method of Operation” on the SLA on-premise liquor license.

**Vote:** Unanimous, with 42 Board member in favor.

**38. 389 Broome, LLC d/b/a Gold Bar, 389 Broome St 10013 - Transfer**

**Whereas**, the applicant appeared before the committee: and,

**Whereas**, this application is for the “transfer” of an on-premise license (#1180798) in a mixed-use building located on Broome Street between Mulberry Street and Centre Market Place. (block # 471/ lot #13), for a 2,700 sq. ft. premise which has 15 tables with 60 seats and 1 bar with 4 seats, and the maximum occupancy is 74 people as stated on the Certificate of Occupancy that was presented, there is no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation will remain Sunday to Saturday from 5:00 p.m. to 4:00 a.m., music will continue to be live D.J. and background only; there will be no promoted events, no scheduled performances or cover fees, but they will have velvet ropes or movable barriers; and,

**Whereas**, the applicant has agreed to the following stipulations:

1. Hours of Operation are 5:00 p.m. to 4:00 a.m. 7 days a week
2. Will not operate as a nightclub/Disco and will not seek a Cabaret License
3. Will not have a sidewalk café or any backyard use
4. Will employ doorman/security personnel 7 days a week with a minimum of two security personnel and up to 4 as needed
5. All doors and windows will be closed at all times
6. Will not install any French doors or windows
7. There will be music with a live D.J. and background only; there will be no promoted events, no scheduled performances or cover fees
8. New operators will correct all venting/air conditioning issues such as noise of faulty equipment
9. All garbage will be picked-up in the morning
10. All staff will be T.I.P.S. trained
11. Operators and manager will provide contact information to the community

**Whereas**, the applicant did submit a petition with over 100 signatures in support; and,

**Whereas**, 7 individuals spoke in opposition to the application stating over-saturation in the immediate area, quality of life concerns by late night bar activity, traffic concerns and a request was made for a reduction in hours of operation which the applicant did not agree to and the head of the Friends of Petrosino Square stated that the applicant had not performed adequate community outreach because she had not been contacted by the applicant and she expressed dissatisfaction stated that this is an integral part of the application process which she felt was not adequately followed; and,

**Whereas**, CB2 respectfully request that the SLA have a 500 ft. rule hearing on this application; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the transfer of the on-premise license for **389 Broome, LLC d/b/a Gold Bar, 389 Broome St 10013** **unless** those conditions and stipulations agreed to by the applicant relating to the 4<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On-Premise license.

**Vote:** Unanimous, with 42 Board members in favor.

**39. Tacombi NYC, LLC d/b/a Fonda Nolita Tacombi, 267 Elizabeth – Upgrade**

**Whereas**, the applicant appeared before the committee: and,

**Whereas**, this application is for the upgrade of the current Beer and Wine license (#1253812) in a commercial building located on Elizabeth Street between Houston and Prince Street (block # 508/ lot #28), for a 2,250 sq. ft. premise which has 12 tables with 48 seats and no bar, and the maximum proposed occupancy is 62 people, there is no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation will be Sunday to Wednesday from 8:00 a.m. to 12:00 a.m. and Thursday to Saturday from 8:00 a.m. to 1:00 a.m., music will be background only; there will be no promoted events, no scheduled performances or cover fees, but they will not have velvet ropes or movable barriers; and,

**Whereas**, the applicant originally appeared in front of CB#2, Man. in December 2009 for a Beer and Wine application, which was recommended denial to the SLA, the applicant reappeared in June 2010 for a Beer and Wine license at which time CB2 also recommended denial again. In March 2011 the applicant appeared again and CB2 recommended approval provided the applicant adhere to stipulations; and,

**Whereas**, only 8 months after the approval of his Beer and Wine did he appear before CB2 to request an upgrade in January of 2012 which was denied; and,

**Whereas**, nothing has changed regarding this applicant, the community or CB2 regarding the request for an upgrade; and,

**Whereas**, CB2 still does not feel that the desire to serve ONLY 4 specific liquor drinks rises to meet any aspect of the public interest; and,

**Whereas**, this location has over 30 licensed premises within 500 ft. of this establishment; and,

**Whereas**, 6 community members again spoke against this application and again stated that they were against the original request for a Beer and Wine license; and,

**Whereas**, the applicant did present a petition in support with over 500 signatures but CB2 would like the SLA to note how few of these signatures were actually from the neighborhood and that hours of operation were not included; and,

**Whereas**, CB#2, Man. also has severe reservations in particular that this establishment would severely impact the quality of life in the immediate area and that a method of operation change to a full on-premise license would result in a tremendous increase in noise which almost universally accompanies upgrades to full on-premise licenses which is particularly of concern at this establishment because the front façade is almost completely open to the street through large roll up doors as this was previously a garage space and those doors when open do not provide for any sound attenuation whatsoever, and the density of licenses in the immediate area is significant on this portion of the block; and,



**Whereas**, CB2 respectfully request that the SLA have a 500 ft. rule hearing on this application; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** to the upgrade of the beer and wine license for **Tacombi NYC, LLC d/b/a Fonda Nolita Tacombi, 267 Elizabeth; and,**

**THEREFORE BE IT FURTHER RESOLVED** that if the SLA considers this application that CB2 respectfully request a 500 ft. rule hearing on this application and consider the original stipulations set forth by CB2 which are as follows:

1. The hours of operation as mentioned in the 3rd whereas clause
2. The operator will close all doors at 8:00 p.m., 7 days a week
3. The operator will serve food until closing.
4. The operator will provide contact information for the neighborhood.

**Vote:** Unanimous, with 42 Board members in favor.

#### **40. Salume Mott Street, LLC d/b/a Salume, 202A Mott St. 10012 – New License**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for a new on-premise liquor license in a mixed use building located on Mott Street between Spring and Kenmare Street (Block #479 / lot #14), for a 412 sq. ft. premise with no tables or tables seats, 1 bar with 10 seats, and the maximum proposed occupancy is 35 people, there is no sidewalk café and no backyard use; and,

**Whereas**, the establishment will be a full service restaurant serving breakfast, lunch and dinner specializing in Italian cuisine; and,

**Whereas**, the hours of operation will be Sunday to Thursday from 8:00 a.m. to 12:00 a.m. and Friday and Saturday from 8:00 a.m. to 2:00 a.m., music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, this is another location within CB2 that has never been licensed by the SLA; and,

**Whereas**, CB2 has concerns about the loss of retail stores that support the daily needs of the residents and a growing concern that too many locations have or will become licensed which is causing overwhelming traffic issues and other quality of life issues that only continue to grow with each newly licensed location; and

**Whereas**, a location as small as this is perfect for those types of retail stores and supporting businesses that can not afford larger spaces in this economy without a liquor license; and,

**Whereas**, this questionable business plan has seating at a bar for only 10 people and standing room for 20+ more people; and,

**Whereas**, there are over **25** on-premise licenses within 500 ft of this location which is located on a street surrounded by old tenement buildings; and,

**Whereas**, 5 community members spoke in opposition stating over saturation and quality of life issues and lack of ant public benefit that are credible; and,

**Whereas**, there was little to no outreach to the community regarding this application and this is a very contentious area facing dramatic change in the increase of licensed premises in the last several years which have resulted in tremendous quality of life issues and the open façade that this establishment has along with the small space and expectation of many standing patrons or patrons seated at the bar only leaves the direct impression that while small, this establishment will contribute to noise issues in the area due the density of patrons in a small space and the common practice in the community of leaving all doors and windows open at all hours of operation for this style of operation; and,

**Whereas**, CB2 does not believe that this application offers any public interest whatsoever and is doubtful a persuasive argument can be made that an Italian salume will some how offer something unique in Little Italy; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of the new on-premise liquor license for **Salume Mott Street, LLC d/b/a Salume, 202A Mott St. 10012.**

**Vote:** Unanimous, with 42 Board members in favor.

**41. Point 8, LLC d/b/a Bar 2047, Eric Tiam, 247 Elizabeth St. 10012– New License**

**Whereas**, the applicant appeared before the committee to present the concept of a Chinese restaurant and lounge inspired by the 1960’s British Colonial Hong Kong era and speakeasy style of operation; and,

**Whereas**, this application is for a new on-premise liquor license in a mixed use building located on Elizabeth Street between E. Houston and Prince Street (Block #508 / lot #38), for a 1,800 sq. ft premise with 18 tables with 45 seats, 1 bar with 6 seats, and the maximum proposed occupancy is 74 people, there is no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation will be Sunday to Wednesday from 6:00 p.m. to 12:00 a.m. and Thursday to Saturday from 6:00 p.m. to 2:00 a.m., music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, this is another location within CB2 that has never been licensed by the SLA; and

**Whereas**, CB2 has concerns about the loss of retail stores that support the daily needs of the residents and a growing concern that too many locations have or will become licensed which is causing overwhelming traffic issues and other quality of life issues that only continue to grow with each newly licensed location; and,

**Whereas**, there are over 20 on-premise licenses ( some not on map because they have just recently been approved by the SLA) within 500 ft of this location; and,

**Whereas**, 5 community members spoke in opposition stating over saturation and quality of life issues; and,

**Whereas**, there was little to no outreach to the community regarding this application; and,

**Whereas**, the proposed premise is located in a basement that has never been used for anything except storage before and the applicant was not able to produce a certificate of occupancy showing the basement was allowed to be used for an eating and drinking establishment, not with standing, CB2 Manhattan feels that in a residential community on a non avenue block in an area surrounded by tenement buildings, it is wholly inappropriate to put an eating and drinking establishment in a basement location that has never been used for any retail use; and,

**Whereas**, adding even one more licensed establishment with this style of method of operation and hours of operation focused on cocktails will further exacerbate the quality of life issues and raise the existing noise level as more late night patrons venture on to residential community streets later in the evenings; and,

**Whereas**, this is the third new license application this month alone that is within 1 block; and,

**THEREFORE BE IT RESOLVED** that CB2, Manhattan recommends **denial** of the new on-premise liquor license for **Point 8, LLC d/b/a Bar 2047, Eric Tiam, 247 Elizabeth St. 10012.**

**Vote:** Unanimous, with 42 Board members in favor.

#### **42. 168 Bowery, LLC d/b/a TBD, 168 Bowery, 10012 – New Beer and Wine License**

**Whereas**, the applicant appeared before the committee to present the concept of an art gallery with a cafe; and,

**Whereas**, this application is for a new Beer and Wine license in a mixed use building located on Bowery between Kenmare and Broome Street (Block #478 / lot #32), for a 2,000 sq. ft premise with 3 tables with 24 seats, 1 bar with 6 seats, and the maximum proposed occupancy is 74 people, there is no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation will be Sunday to Saturday from 8:00 a.m. to 1:00 a.m., music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, this is **another** location within CB#2, Man. that has **never been licensed by the SLA**; and,

**Whereas**, there are at least 22 licensed premises within 500 ft., though CB2 and the community sadly understand that a beer and wine license is not subject to the 500 ft rule, and,

**Whereas**, CB#2, Man. has concerns about the loss of retail stores that support the daily needs of the residents and a growing concern that too many locations have or will become licensed which is causing overwhelming traffic issues and other quality of life issues that only continue to grow with each newly licensed location; and,

**Whereas**, CB#2, Man. does not have issues with the half of the space that is indicated as the restaurant portion of the establishment on the diagrams;

**Whereas**, CB#2, Man. has significant concerns with the ½ of the space at the eastern portion of the premise which is blank that will be operated as a pop-up style space for any and all activities that the applicant's can rent it out for with no parameters on use or seating arrangements provided at all, CB#2, Man. has no premises that we are aware of that have restaurant wine licenses, or any type of other license,

that have no parameters on their use at all and that can shape shift to suit anyone's needs who sublet the space under the applicant's license, furthermore these types of spaces are more suitable to obtain catering licenses or one day licenses, the applicants did not seem to grasp the importance of having some sort of concept or structure to fit a method of operation for a licensed establishment, and seem to feel it is appropriate to operate as they see fit and as their clients might dictate or their financial needs might suit; and,

**Whereas**, CB#2, Man. feels that this is a very dangerous precedent to set and believes that even minimal standards for any type of licensed establish are critical to operating in a community and being able to articulate what those standards or parameters are is of utmost importance for professional operation of a premise so that the community and the Liquor Authority can have confidence that they will be run in an acceptable and lawful manner; and,

**Whereas**, CB#2, Man. tried to be very accommodating to the applicants and suggested laying over this application so that they could work on providing some structure to this portion of the licensed premise, but the applicant refused and stated that they would prefer that CB#2, Man. vote on a recommendation as the application was presented and submit that recommendation to the Liquor Authority; and,

**Whereas**, it is clearly not in the interest of this community or the State to provide a morphing mini-mall of pop up retail spaces in one building with a Beer and Wine license; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the new Beer and Wine license for **168 Bowery, LLC d/b/a TBD, 168 Bowery, 10012; and,**

**THEREFORE BE IT FURTHER RESOLVED** that CB#2, Man. respectfully requests that the Liquor Authority request that this applicant return to CB2 Manhattan to present a properly articulated plan and a set of operating parameters for the eastern half of the premise before making any determination on this matter should the applicant proceed directly to the Liquor Authority without first presenting this information to CB2's SLA Licensing Committee.

**Vote:** Unanimous, with 42 Board members in favor.

#### **43. Juicerie LLC, 19 Kenmare St. 10012 – New Beer and Wine License**

**Whereas**, the applicant appeared a second time before the committee to present the concept of a juice bar and café specializing in Vegetarian, raw and Vegan Cuisine without any substantive changes to the application; and,

**Whereas**, this application is for a new Beer and Wine license in a mixed use building located on the corner of Kenmare and Elizabeth Street (Block #478 / lot #12), for a 700 sq. ft premise with 1 table with 24 seats, 1 bar with 6 seats, and the maximum proposed occupancy is 38 people, there is a sidewalk café but no backyard use; and,

**Whereas**, the hours of operation will be Sunday from 9:00 a.m. to 10:00 p.m. and Monday to Friday from 8:00 a.m. to 11:00 p.m. and Saturday from 9:00 a.m. to 11:00 a.m., music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, this is **another** location within CB2 that has **never been licensed by the SLA**; and,

**Whereas**, there are at least 22 licensed premises within 500 ft., though CB#2, Man. and the community sadly understand that a beer and wine license is not subject to the 500 ft rule, and,

**Whereas**, CB#2, Man. already denied this application in June of 2012 and sees no need at this point to take another position and refers the Liquor Authority to that resolution as well; and,

**Whereas**, CB#2, Man. has concerns about the loss of retail stores that support the daily needs of the residents and a growing concern that too many locations have or will become licensed which is causing overwhelming traffic issues and other quality of life issues that only continue to grow with each newly licensed location; and,

**Whereas**, there is one (1) multi level eating and drinking establishment with a full on-premise license that already exist in this buildings address which is operating without valid Department of Buildings permits; and,

**Whereas**, there were 4 community members who spoke against this application and 4 more who could not stay any later and submitted their names on speaker cards in opposition; and,

**Whereas**, the community has concerns that they have added a very large sidewalk café on an already crowded corner and that this location also has heavy traffic issues and is very dangerous; and,

**Whereas**, the community feels that adding beer and wine to this dangerous location would be irresponsible; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the new Beer and Wine license for **Juicerie LLC, 19 Kenmare St. 10012, 10012.**

**Vote:** Unanimous, with 42 Board members in favor.

#### **44. Clos Wine Bar, LLC d/b/a Clos New York, 64 Kenmare St 10012 – New Beer and Wine License**

**Whereas**, the applicant appeared before the committee to present the concept of an Interactive, educational wine bar featuring old world as well as boutique wineries; and,

**Whereas**, this application is for a new Beer and Wine license in a mixed use building located on Kenmare between Mott and Mulberry Street (Block #480 / lot #33), for a 900 sq. ft. premise with no tables or table seats, 1 bar with 17 seats, and the maximum proposed occupancy is 74 people, there is no sidewalk café and no backyard use; and,

**Whereas**, the hours of operation will be Monday to Thursday from 5:00 p.m. to 12:00 a.m. and Friday to Saturday from 12:00 p.m. to 12:00 a.m., music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, this is **another** location within CB2 that has **never been licensed by the SLA**; and,

**Whereas**, there are at least 22 licensed premises within 500 ft., though CB#2, Man. and the community sadly understand that a beer and wine license is not subject to the 500 ft. rule, and,

**Whereas**, this will be the fourth (4<sup>th</sup>) beer and wine license in this building for on premise consumption with each small retail space in the building being occupied by eating and drinking establishments with beer and wine licenses; and,

**Whereas**, CB#2, Man. has concerns about the loss of retail stores that support the daily needs of the residents and a growing concern that too many locations have or will become licensed which is causing overwhelming traffic issues and other quality of life issues that only continue to grow with each newly licensed location; and,

**Whereas**, this location was a retail clothing store previously; and,

**Whereas**, there were 5 community members who spoke against this application; and,

**Whereas**, this application does not serve the public's interest; and,

**Whereas**, this neighborhood is one of the most saturated areas within CB2's district; and,

**Whereas**, this is the third (3) application for a location that has never been licensed before, for this month alone for this neighborhood within CB#2, Man.; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the new Beer and Wine license for **Clos Wine Bar, LLC d/b/a Clos New York, 64 Kenmare St 10012.**

**BE IT FURTHER RESOLVED** that should the Liquor Authority consider licensing this establishment against the recommendation of CB#2, Man., CB#2, Man. respectfully requests that the following stipulations which were discussed with and agreed to by the applicant be established and incorporated into the method of operation on the license:

1. The applicant will never seek to upgrade the license to a full on-premise license.
2. The applicant will not apply for a DCA Sidewalk Café License.
3. All Doors and Windows will be closed at 10 p.m.
4. There will be no live music or dj's, music will be quiet back ground music only not audible outside the walls of the establishment.
5. The hours of operation will be Sunday-Wednesday closing at 11p.m. and Thursday-Saturday closing at 12 a.m., all patrons will have left the premises at closing.
6. The method of operation will not change for the life of the license.
7. The establishment will only be open from 12 p.m. to 4 p.m. to members of the trade for wine tastings, notwithstanding the aforementioned closing times.

**Vote:** Unanimous, with 42 Board members in favor.

**45. Jane Street Hotel, LLC d/b/a The Jane, 113 Jane Street, 10014 (serial number 1207903 - renewal)**

**Whereas**, the applicant appeared before CB2's SLA Licensing Committee after having been requested to do so by CB#2, Man. upon CB2's receipt of a 30 day notice regarding this license's renewal application to discuss concerns raised by members of the community; and,

**Whereas**, because the current license does not expire until 10/31/2012 and because no principals were present to discuss this matter at the meeting, only managers who were not authorized to respond to concerns regarding the newly opened roof top in regards to concerns regarding limiting operating hours or

stipulating to specific uses; and the roof is of particular concern because it has not been operated until the last several months even though this was included as part of the original filing 4/22/08 and since that time, there have been complaints over the years regarding the applicant and their method of operation and conduct which clearly violated the method of operation, which has been addressed to some extent, but concerns still exist because no discussion regarding the use of the rooftop have taken place in over 5 years and because the applicant had promised an ongoing dialogue with the local residential community on an ongoing basis which has not taken place nor was any evidence provided that they have attempted to conduct this type of outreach on an ongoing basis; and,

**Whereas**, the applicant's representative's agreed to meet with members of the local residential community to discuss this matter with input from principles on the license and **agreed to return** with either an authorized principal of the establishment or with permission to act on their behalf **to CB2's second regularly scheduled SLA Licensing Committee Meeting in October 2012**; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **not renew** the existing license, **serial number 1207903**, for **Jane Street Hotel, LLC d/b/a The Jane, 113 Jane Street, 10014 until** an authorized representative empowered to act for the principles or an authorized principle re-appears before CB2 to address the issues outlined in the above "whereas" clauses and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this renewal application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard and addressed.

**Vote:** Unanimous, with 42 Board members in favor.

#### **46. Dalloway & Co., LLC, TBD (The Dalloway), 525 Broome St. 10013**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for a "transfer" of an On Premise liquor license for a now "lesbian implied restaurant" operated under the same previous method of operation as a restaurant in a mixed use building located on Broome Street between Thompson and 6<sup>th</sup> Avenue with 17 tables, 82 table seats, 2 bars with 23 bar seats for a total of 105 seats and a maximum legal capacity of 224 persons, there will be only cosmetic changes to the establishment and there are no changes in the current method of operation; and,

**Whereas**, the applicant stated the hours of operation for the restaurant are Sunday – Thursday from 4:00 p.m. – 2:00 a.m., Friday – Saturday from 4:00 p.m. – 3:00 a.m.; there will not be a sidewalk café application and no backyard garden; music will be background only; and,

**Whereas**, the applicant has agreed to the following set of stipulations:

1. The hours of operation for the restaurant are Sunday – Thursday from 4:00 p.m. – 2:00 a.m., Friday – Saturday from 4:00 p.m. – 3:00 a.m.
2. The applicant has agreed to not have DJs or Live Music at the establishment. Music will be background only as stated on CB2's Questionnaire and will be sourced passively from ipod/cd's. The applicant states that adequate soundproofing already exists.
3. The applicant has agreed to operate as a restaurant as described in the ABC laws and will operate the kitchen and have food items available until closing.
4. The applicant has agreed to operate under a strict set of conditions provided by the Condo Association at 525-527 Broome Street.
5. The applicant has agreed to keep all doors and windows closed at all times.
6. The applicant will have security present at all times of operation.

7. The applicant has agreed that only one entrance will be utilized for regular ingress and egress of all patrons for this multi level establishment. Other doors will be used for emergency exit only.
8. The applicant will obtain and maintain current all required certificates and permits. The applicant will always operate with a current Certificate of Occupancy (if temporary or obtain final) and will obtain and always operate with a current Public Assembly Permit.

**Whereas**, a number of people spoke in favor of the applicant, a number of letters have been submitted in support of the applicant and a petition signed by a number of local residents was also submitted by the applicant; and,

**Whereas**, no one appeared in opposition from the community; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of an on-premise liquor license for **Dalloway & Co., LLC, TBD (The Dalloway), 525 Broome St. 10013** **unless** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 4<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

**Vote:** Unanimous, with 42 Board members in favor

**47. Eater Eats Crow, LLC d/b/a Sel Et Gras, 131 7<sup>th</sup> Ave. South (Current Restaurant Wine Serial Number 1261220)**

**Whereas**, the applicant appeared before CB2’s SLA Licensing Committee on September 13, 2012 to present an application to *upgrade* the existing Restaurant Wine License SN#1261220 to a Full On-Premise Restaurant License; and,

**Whereas**, CB2’s SLA Licensing Committee voted to recommend to the Full Board of CB2, Manhattan that a recommendation be made to the Liquor Authority to DENY this request for an upgrade; and,

**Whereas**, just prior to the start of CB#2, Man.’s Full Board meeting on September 20, 2012, the applicant’s attorney submitted a letter requesting that the application presented to CB2’s SLA Licensing Committee be withdrawn and as such, the resolution was not considered by the Full Board of CB#2, Man. and no recommendation on the application itself was made; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on-premise liquor license, upgrade or changes to any existing license for **Eater Eats Crow, LLC d/b/a Sel Et Gras, 131 7<sup>th</sup> Ave. South (Current Wine Serial Number 1261220)** 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 42 Board members in favor

**48. Pop Underground, LLC d/b/a Pop Pub, 83 University Pl. (41 E. 11<sup>th</sup> St.), 10003 (restaurant wine SN#1252491 – request for upgrade)**

**Whereas**, the applicant appeared before CB2’s SLA Licensing Committee again after appearing in February 2012, at which time CB#2, Man. recommended unanimously that this application for an upgrade



to the existing restaurant wine license, serial number 1252491, be denied, but CB2's SLA Licensing Committee was willing to rehear this application on September 13, 2012 never-the-less; and,

**Whereas**, there were no substantive changes to the application presented in February 2012; and,

**Whereas**, this application is for the upgrade of the restaurant wine license serial number #1252491 to a Full On Premise license for a restaurant and bar, in a mixed-use building (block 00563 / lot 1) on University Place between 11th and 12th Street for a Burger/Pub style restaurant which has 18 tables and 60 seats and 1 bar with 15 seats, there will be no sidewalk café and no backyard garden, music will be background only and a maximum legal capacity of 250 persons; and

**Whereas**, the applicant stated the hours of operation are Sunday through Wednesday from 11:00 a.m. to 2:00 a.m. and Thursday through Saturday from 11:00 a.m. to 4:00 a.m.; and,

**Whereas**, this location has never had a full on-premise liquor license; and,

**Whereas**, there are already 18 Full On Premise Licenses within 500 ft. of this location and this immediate residential neighborhood has seen an increase in Liquor Licenses from approximately 19 in 2000 to approximately 38 today; and,

**Whereas**, this operator has been at this location for 1.5 years and has already proven to be an inconsiderate neighbor in this highly residential area and disregards the reasonable requests from immediate neighbors to lower music or close windows at a reasonable hour to contain the noise consistent with other licensed premises in the area including a request one evening from one of the Chair's of CB2's SLA Licensing Committee who made the request anonymously to staff; and,

**Whereas**, the owner and the manager again stated at this meeting that they were unaware of any complaints from neighbors regarding noise and quality of life issues; and,

**Whereas**, the applicant appeared on CB#2, Man.'s calendar for at least 4 months prior to their hearing in February 2012, but either withdrew or laid over their appearance, but this time did perform community outreach to the local community and local neighborhood association but was unable to reach any agreement; and,

**Whereas**, this operator has participated in "Beer-A-Thons" sponsoring 26 beers at 26 bars for a price of \$65 which created a huge inconvenience of noise and crowds and once again assuming no regard for the neighbors in the past, but has said they no longer participate in these events, but community members expressed concerns that the establishment, in particular its layout, would simply result in a late-night bar atmosphere at later operating hours; and,

**Whereas**, this operator runs this establishment similar to the ones that exist in the Meat Packing District which are operated under similar names (i.e. Pop Burger) in which he is also a principle and the Meat packing District is an appropriate area for this type of establishment with a full on-premise license and when neighbors at this location on University Place complain, they are told "neighborhoods change" despite the fact that this is a well-established neighborhood that is very residential; and,

**Whereas**, there were a number of people from the neighborhood who appeared at the meeting in opposition of this applicant each citing the blatant disregard and disrespect displayed from this operator and apparently at a past block association meeting for the East 12<sup>th</sup> St and East 13<sup>th</sup> St Block Association

prior to the February 2012 application to CB2 between 20 and 30 residents requested their position to be to request a recommendation of denial to this upgrade despite their history of working closely with licensed neighborhood establishments and establishing detailed stipulations agreements which are mutually beneficial to all parties; and,

**Whereas**, at this meeting in September 2012, a number of neighborhood residents spoke in oppositions and the community presented an online petition with 92 signatures and a signed petition with 178 signatures, all from very immediate neighboring residents who live in this community for a total of 270 signatures against this application to upgrade to a full on-premise license stating that this would not be in the public's best interest; and,

**Whereas**, at a meeting conducted with the local neighborhood association prior to this meeting, the applicant apparently stated that the primary motive behind this upgrade application to a full on-premise license was simply to make the establishment profitable and that a big component of that was the late night bar traffic that would be generated from local students, even though he also states that this is a "family oriented" business, the applicant also failed to acknowledge at the meeting the existing issues which were clarified by the community in February 2012 in regards to their operation and that the applicant has not addressed many of those issues despite having had ample opportunity to do so; and,

**Whereas**, CB#2, Man. feels that the request to upgrade this license would not be in the public interest because of the sheer volume of existing on-premise licenses in the area and the dramatic increase in recent years of licensed premises, that the existing noise level would be significantly affected by the change in operation of serving hard alcohol at this type of establishment which is open until late hours when food is not traditionally served when this is supposed to be a restaurant and the layout of the establishment would invite a bar type atmosphere, that an additional result would be an increase in patrons at later hours who would cause traffic issues as they relate to hailing taxi's on the weekends in the late night hours when leaving and the impact on parking in the area and the difficulty the local community has had working with the applicant to address quality of life issues which impact the local community; and,

**Whereas**, CB#2, Man. formally request that the State Liquor Authority to conduct a 500-Ft. Rule hearing for this application; and

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** for the application to upgrade to a Full OP License for **Pop Underground, LLC d/b/a Pop Pub, 83 University Pl. (41 E. 11<sup>th</sup> St.) 10003.**

**Vote:** Unanimous, with 42 Board members in favor.

**49. Wine Bar 13 LLC d/b/a Zampa, 306 W. 13<sup>th</sup> St. 10014-(upgrade – existing SN# 1184592)**

**Whereas**, this application is for an upgrade of a restaurant wine license (SLA Serial #1184592) that has been in place for approximately 6 years to a new restaurant on-premise liquor license on the ground floor of a 5 story mixed use commercial/residential building located between 8<sup>th</sup> Avenue and West 4th Street, for a 800 sq. ft premise with 12 tables with 34 seats, 1 bar with 14 seats, for a total of 48 seats, there is an existing Certificate of Occupancy and the applicant states the proposed occupancy is 45, there is no sidewalk café; and,

**Whereas**, the hours of operation are Monday to Friday from 8 a.m. to 12 p.m. and Saturday and Sunday from 11 a.m. to 12 a.m., the establishment will continue to be a café/restaurant, the applicant states that the music will continue to be quiet background only generated from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties; and,

**Whereas**, this location has never had a full on-premise liquor license; and,

**Whereas**, at the time the license was originally granted, the applicant had appeared in front of CB2 in December 2006, which was unusual for beer and wine applications at the time due to concerns from neighboring residents and at that time, CB2 recommended approval of the Beer and Wine License based on statements from the applicant regarding the method of operation and that “the applicant further stated that there is no intent to ever seek an On Premise license at this location”; and,

**Whereas**, one speaker appeared in support who lives several blocks away and one letter of support was received from a local business group; and,

**Whereas**, 4 speakers appeared in opposition including those who share party walls to the establishment, live above and the president of the co-op board in which the establishment is located and a number of letters were received in opposition, stating that this upgrade would not be in the public interest for the same concerns expressed in December 2006 at which time they were assured that this license would never be upgraded, that upgrading this license would further invite the crowds transit this area to the meatpacking district to stay on the block and would impact quality of life, that this block despite its proximity to the meatpacking district is a residential block and is part of Greenwich Village, not the meatpacking district, that this establishment began as a café and has morphed into a wine bar and that issuing this license would allow this establishment to morph into a bar, that despite stated hours, the operator does operate past those hours, that loud music is heard outside the establishment including through a skylight vent that is regularly kept open, that the applicant has been uncooperative in addressing many issues, including taking several years to address noise from faulty mechanical equipment that was only addressed after violations were issued by the DEP, that the operator has no credibility with his immediate neighbors because one thing is said and no action is taken, that complaints have been filed in the past, but no action was taken so the community stopped making complaints to 311, that this block is already a public urinal for revelers coming and going to the meat packing district, that the existing noise level would be impacted by encouraging patrons who seek hard liquor drinks to stay which would directly impact the number of patrons in the establishment and conversely those who loiter around the establishment, that the surrounding avenues are filled with bars and they do not belong on side streets due to the vehicular traffic the attract, cabs stopping and the resulting honking, concerns were expressed that as this business is faltering, granting this license would result in a bar when they finally go out of business, and finally that the applicant performed no outreach at all to the surrounding residential units; and

**Whereas**, CB2 notes that as part of the original application which was approved by CB2, the applicant did state that they would never seek an upgrade, CB2 also further notes that the many of the concerns articulated by local community residents are valid, the applicant was unable to articulate why the issuance of this license would be in the public interest, traffic in this area, particularly cabs which stop and block traffic create significant traffic congestions and noise as a result of honking horns, there are already many licensed establishments in the area, including 8 within 500 ft. and many more just outside that proximity, there were significant concerns that the applicant did no community outreach, that there are not efforts to maintain dialogue with surrounding residential tenants, that this area is a part of Greenwich Village, that it

is residential and that a full on-premise license is better suited to the avenues in this area given the density of existing licenses, and there is significant concern that the operator is already operating outside of his originally described café/restaurant and operating as a wine bar and that this upgrade would result in another venue which morphs into a different type of establishment, particularly because the applicant said the business was having difficulty attracting customers and turning away customers seeking hard alcohol drinks; and,

**Whereas**, in the absence of outreach and any attempt to establish stipulations with the community and an unwillingness on the applicants part to do so; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** for the application to upgrade to a Full OP License for **Wine Bar 13 LLC d/b/a Zampa, 306 W. 13<sup>th</sup> St. 10014-(upgrade – existing SN# 1184592).**

**Vote:** Unanimous, with 42 Board members in favor.

**50. CGM 13, LLC, TBD, 22 E. 13<sup>th</sup> St. 10003**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application for a new on premise liquor license (not a “transfer”) for a “first class neighborhood Italian restaurant” in a previously licensed location located between Fifth Avenue and University Place in a mixed use building on the ground and second floor for an approximately 3,800 square foot premise with customer operations on the ground floor of 550 square feet and the second floor of 1,000 square feet, there will be 27 tables and 90 table seats, 1 stand up bar with 10 seats and 1 service bar for a total of 100 seats, there is an existing certificate of occupancy for 75 persons between the 2 floors, but the applicant will file for a change to the certificate of operation prior to operating the establishment to properly reflect the proposed occupancy, there are 4 seats located on the front terrace which is within the property line; and,

**Whereas**, the hours of operation will be from 11 a.m. to 2 a.m. daily for the ground floor portion of the premise and the second floor will close at 12 a.m., Sunday-Thursday and at 2 a.m. Friday and Saturday, music will be quiet background music, there will be no dj’s, no live music, no jukebox, there will be no tv’s, the sound system will be a “simple restaurant system”, there will be no security personnel, there may be private parties;

**Whereas**, there are at least 15 licensed premises within 500 feet and 2 pending licenses; and,

**Whereas**, one principal holds a number of liquor licenses in New York City, including two located within the confines of CB#2 Man., one of which the other principal is also a principle of; and,

**Whereas**, the applicant worked with the East 12<sup>th</sup> Street and East 13<sup>th</sup> Street Block Association on a set of stipulations which they will execute as a stipulations agreement that they agreed would be attached and incorporated in to their method of operation on their SLA license stating that:

1. **Hours of operation:** On each Sunday through Thursday night, the Operator shall close the upstairs restaurant no later than **Midnight**. On each Friday and Saturday night, (more correctly referred to as Saturday and Sunday morning) the Operator shall close the upstairs restaurant no later than **2:00AM**.

2. **Soundproofing:** The Operator shall use its best efforts to soundproof the Establishment to ensure that noise does not emanate from the Establishment, in any direction and meets or exceeds New York City noise code.
3. **Exterior Equipment:** The Operator shall use its best efforts to soundproof the Exterior Equipment to ensure that all noise produced by any external equipment installed and operated by the Operator meets or exceeds New York City noise code.
4. **Front door:** The Operator shall cause the doors to remain in a closed position. The Operator shall not operate any outdoor speakers or sound amplification and shall not deliberately direct any sound outside of the Establishment. The Operator shall hang a sign outside the establishment, which shall be legible from 20 feet away, instructing patrons to keep the noise down and to respect the neighbors.
5. **Windows:** The Operator shall use its best efforts to ensure that noise does not emanate from the windows. The Operator shall not permit any doors or windows to be left open past 10PM. If any windows are to be replaced they are to be replaced with non-operable windows.
6. **Security:** The Operator shall cause a communicative general manager to be present at the Establishment during all hours of operation.
7. **Music:** The Operator shall not permit DJs or live music in the Establishment. Only background music at a reasonable level shall be permitted.
8. **Promoters:** The Operator shall not use outside promoters or allow promoted third party events at the Establishment.
9. **Dancing:** The Operator shall not permit dancing in the Establishment.
10. **Sanitation:** The Operator shall not store garbage or garbage dumpsters outside of the Establishment. The Operator shall not place refuse at the curb. The Operator shall construct a refrigerated room to store the garbage and will store all garbage in said refrigerated room.
11. **Sidewalk:** The Operator shall not block or encumber the sidewalk.
12. **Outdoor Seating:** The operator will not seek to obtain permission from the New York City Department of Consumer Affairs for any outdoor seating including but not limited to any unenclosed sidewalk cafe permit.
13. **Lighting:** The Operator shall not install any banner up-lighting on the exterior of the Establishment and shall replace said lighting with reduced brightness, spot-type down lighting so as to not disturb residents living above and around the Establishment.
14. **Steering:** The Operator shall not attempt to steer the public from the sidewalk into the Establishment. The Operator shall not distribute any fliers on the sidewalk or street.
15. **Drink Specials:** The Operator shall not offer any discounted drinks at any time. All drinks will always be sold at full price.
16. **Kitchen:** The Operator shall cause the kitchen to stay open serving a full menu until closing.
17. **Signage:** All signage will conform to signage standards found in landmark districts.
18. **Monthly Meetings:** Upon request, the Operator shall make available the general manager to attend monthly meetings with representatives of the community.
19. **Cellar:** The Establishment's cellar shall not be used to seat or serve patrons.
20. **Kitchen Exhaust:** The Operator shall use its best efforts to ensure that smells emitting from the establishment do not disturb the neighbors. Upon request the Operator shall implement whatever measures necessary to abate any extant odor issues emanating from the establishment.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of an on-premise liquor license for **CGM 13, LLC, TBD, 22 E. 13<sup>th</sup> St. 10003** **unless** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 6<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

**Vote:** Unanimous in favor.

**51. West 9<sup>th</sup> Street Consulting Group, LLC, TBD (Omar) 19-21-23 W. 9<sup>th</sup> St. 10011**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for a new On Premise license (not a transfer) in a previously licensed location for a restaurant located in a basement 4,000 s.f. premise in a mixed use residential building located on West 9<sup>th</sup> Street between 5<sup>th</sup> and 6<sup>th</sup> Avenue, with 23 tables, 89 table seats, 1 bar with 12 seats and a maximum legal capacity of 120 persons for a “fine dining restaurant that will focus on serving the Greenwich Village community”; and,

**Whereas**, the applicant stated the hours of operation are 12:00 p.m. – 2:00 a.m. seven days a week, there will not be a sidewalk café nor a backyard garden, music will be quiet background only from ipod/cd’s, there is existing soundproofing, there will be no promoted events, no scheduled performances, no outside promoters, the applicant will manage vehicular traffic outside the premise and will be utilizing “ropes” outside the premise; and,

**Whereas**, the applicant has agreed to operate the bar in conjunction with the restaurant at all times as the previous operator has; and

**Whereas**, the applicant has agreed to prohibit use of the backyard garden space at this time, but may revisit this issue at which time they will return to CB2 Manhattan for consideration but understands and represents that it is not a part of the current premise or application, but they may return at a future date to present an application and further understand that CB2 has made no representations that they will support the application, but will allow it to be presented for consideration and at that time CB2 Manhattan will make a recommendation to the Liquor Authority.

**Whereas**, the applicant has agreed to submit a letter of support from the Cooperative Board to the CB#2, Man. office prior to the use of their On Premise License; and,

**Whereas**, the applicant has agreed to obtain all required certificates, permits and related documents, including but not limited to an amended Certificate of Occupancy and Public Assembly Permit; and,

**Whereas**, no one appeared in opposition from the community; and,

**Whereas**, the applicant agreed to the following stipulations which they will execute as a stipulations agreement that they agreed will be attached and incorporated in to their method of operation on their SLA license stating that:

1. All doors and windows will be closed at all times.
2. There will be no dj’s, live music, promoted events or outside promoters or scheduled events.
3. The hours of operation will be 12 p.m. to 2 a.m. seven days a week and all patrons will have exited the premises at the end of the hours of operation.
4. The applicant will employ a security company Thursday to Saturday.
5. The applicant will not operate in the backyard garden at this time.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of an on-premise liquor license for **West 9<sup>th</sup> Street Consulting Group, LLC, TBD (Omar) 19-21-23 W. 9<sup>th</sup> St. 10011** **unless** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 4<sup>th</sup>, 5<sup>th</sup> and 9<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

**Vote:** Unanimous, with 42 Board members in favor.

**52. 64 Greenwich Restaurant, LLC d/b/a The Meatball Shop, 64 Greenwich Ave.-(upgrade to existing RW SN# 1251976)-10011**

**Whereas**, the applicant appeared before the committee, and;

**Whereas**, this application is for an upgrade of a restaurant wine license (SLA Serial #1251976) that was originally issued on 10/18/2011, approximately 1 year ago, for a “The Meatball Shop” which “is a small family and neighborhood friendly restaurant” which operates as a “specialty meatball restaurant” and is a “full service establishment, with quality meals at an affordable price point”; and,

**Whereas**, the premise is located between 7<sup>th</sup> Ave and Perry St. on the ground floor of 3 story mixed residential/commercial building for a 900 sq foot premise with 11 tables, 36 seats and 1 bar with 9 seats, 1 eating counter with 4 seats for a total of 49 seats, there is an existing certificate of occupancy which states a maximum occupancy of 50 persons, there is an existing sidewalk café which consists of 4 tables and 8 seats; and,

**Whereas**, the applicant states the hours of operation will be Sunday from 12 p.m. to 2 a.m., Monday to Thursday from 5 p.m. to 2 a.m. and Friday 5 p.m. to 4 a.m. and Saturday from 12 p.m. to 4 a.m., the restaurant will continue to feature “meatballs of all kinds – beef, pork, chicken, and vegetarian – as sandwiches, over pasta, and as sliders” and prices for dinner items will remain “generally under \$10, an affordable price point for a quality dinner destination in the West Village”, there will be no tv’s, music will be quiet background only from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will never be a dj or live music or jukebox, the location is already adequately soundproofed, there will be no promoted events or outside promoters

**Whereas**, there are 21 licenses located within 500 feet; and,

**Whereas**, the applicant agreed to the following stipulations which they will execute as a stipulations agreement that they agreed will be attached and incorporated in to their method of operation on their SLA license stating that:

1. The hours of operation will be Sunday from 12 p.m. to 2 a.m., Monday to Thursday from 5 p.m. to 2 a.m. and Friday 5 p.m. to 4 a.m. and Saturday from 12 p.m. to 4 a.m.
2. The kitchen will be open at all times the premise is open and a full menu will be available.
3. The Door and Windows will remain closed at all times.
4. The premise will always maintain the same method of operation and **specifically will always operate as a specialty meatball shop** (as described in the above “whereas” clauses) for the duration of this on-premise liquor license. (A primary consideration for the recommendation for this license by CB2 Manhattan is this very specific method of operation and any other style of operation or hours of operation or dba name would not be approved by CB2 Manhattan otherwise at this time for this location and as such this stipulation is intended to prevent any changes without a specific recommendation from CB#2, Man. and it is respectfully requested that the Liquor Authority take this into consideration for any future applications at this location)

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of an upgrade to a full restaurant on-premise liquor license for **64 Greenwich Restaurant, LLC d/b/a The Meatball Shop, 64 Greenwich Ave. 10011 (upgrade to existing SN# 1251976) unless** the statements the applicant has

presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 6<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

**Vote:** Unanimous, with 42 Board members in favor.

**53. Franco American Restaurant Investment Group Inc. d/b/a The Tea Set (now the L’Amant), 235 W. 12<sup>th</sup> St. 10014 (Existing SN#1260043)**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for an alteration to an existing restaurant on-premise liquor license whereby the applicant states the changes are to replace the existing bar with a shorter straight 6’6” bar, and reduce the table count by 3 and remove 4 chairs, there will be a new wall behind the bar dividing the previously open kitchen from the restaurant area and the name will change to “L’Amant” and the establishment will change from a “tea bistro serving breakfast, lunch and dinner” and “Café-Tea Salon” to a French Bistro and everything else will remain unchanged; and,

This is a restaurant now described as a “French bistro” located in a one story 750 s.f. premise in a mixed use building located on West 12<sup>th</sup> between Greenwich Avenue and West 4<sup>th</sup> Street with 5 tables and 24 seats, 1 stand up bar with 4 seats, a sidewalk café with 3 tables and 6 seats (applicant previously agreed with CB2 in March 2011 sidewalk café application to DCA), and a maximum legal capacity of 68 persons, there will be no TV’s, music will be quiet background only from ipods/cd’s, there may be occasional private parties,

**Whereas**, the applicant stated that there are 26 licensed premises within 500 feet; and,

**Whereas**, the applicant first appeared in front of CB2’s SLA committee in November 2011 at which time the applicant was requested to perform additional community outreach including communicating with the Middle West 12th Street Block Association and return the following month, and at the December 2011 CB2 SLA meeting a representative of the Block Association, Andica Kunst, appeared and spoke to the fact that the applicant and Block Association had met and had agreed to execute a stipulations agreement; and

**Whereas**, prior to this alteration application in September 2012, the applicant reached out to the Middle West 12<sup>th</sup> Street Block Association to explain the changes to be incorporated into this alteration application and there was no objection provided the existing stipulations remain in effect; and,

**Whereas**, the applicant executed a stipulations agreement with the Middle West 12th Street Block Association and executed a stipulations agreement with CB2 in December 2011 incorporating those stipulations with the exception that CB2 will not accept the paragraph “Nothing herein shall prevent a Subsequent Operator from seeking an amendment to the 12:00 a.m. closing time six months after the Subsequent Operator actually begins to operate the Establishment” because CB2 Manhattan’s SLA Licensing Committee hears each and every SLA application only at the time it is presented and makes a recommendation on the current set of facts presented by the applicant; and

**Whereas**, the applicant stipulated to the following in December 2011 which shall remain in effect:

1. **Hours of Operation:** On Sunday through Thursday, the Establishment shall be open from 8:00 a.m. to 12:30 a.m.; and on Friday and Saturday, the Establishment shall be open from 8:00 a.m. to 1:00 a.m. All patrons will be out by closing time.



2. **Certificates, Permits and Related Documents:** The Operator shall obtain all required certificates, permits and related documents and shall remain in compliance with all necessary governmental codes including the Department of Buildings, Landmarks, and the Fire Department.
3. **Soundproofing:** The Operator shall ensure that the Establishment will meet or exceed the current New York City Noise Code guidelines for residential areas. The Operator shall use its best efforts to ensure that noise (including, but not limited to, noise generated by sound reproduction equipment, by patrons and staff, and by commercial equipment such as HVAC equipment, air handlers, compressors and fans) does not emanate from the Establishment, or its equipment, in any direction and meets or exceeds the New York City noise code.
4. **Doors and Windows:** The Operator shall not permit any doors or windows to be open prior to the opening of the Establishment as specified in “Hours of Operation” and after 8:00 p.m. on each day of operation.
5. **Music:** The Operator shall not permit DJs, live music or outside promoters (including promotional parties) in the Establishment. Any recorded music shall be background only.
6. **Party Bus:** The Operator shall not permit the entry of patrons arriving via a “party bus.”
7. **Security:** The Operator shall have a general manager and/or a manager on duty, capable of adequately communicating with residents of the community, to be present at the Establishment during all hours of operation.
8. **Lighting & Signage:** The Operator shall not use signage on the Establishment that will be lit by neon lighting or any bright lighting beyond 10:30 p.m. The Operator also agrees to not have “Sandwich Board” advertisement out on the sidewalk in the public walkway impeding the free flow of pedestrian traffic as has been previously noted and observed, but will instead comply with regulations that allow that type of advertisement if it is leaned against the building front and not obstructing the sidewalk.
9. **Restaurant:** The Operator shall continue to and will always operate the Establishment as a full service restaurant (as defined in Alcoholic Beverage Control law section 3(27)) which they have described as a “Café and Tea Salon”, a “Tea Bistro”, serving breakfast, brunch, lunch and dinner and will have a full menu available at all hours of operation until closing that consists of a full menu including Pastries, Eggs, Soups, Salads, Wraps, Sandwiches, Quiches, Appetizers etc. served from 8am – 4pm and a full menu of appetizers, salads, entrees, soups, sandwiches, and quiches from 4pm until closing. The menu will at all times be comparable to the menu presented to Community Board 2 and the SLA at the time of the application for a full liquor license. To be clear, the Establishment will not be operated as a bar or tavern now or in the future.
10. **Sidewalk Café:** The Operator will operate the sidewalk café in front of the establishment, which consists of 3 tables and 6 chairs, in compliance with all rules and regulations and in compliance with all necessary governmental codes including those enforced by the NYC Department of Consumer Affairs. All tables and chairs will be removed from the sidewalk in compliance with governmental regulations when the sidewalk café is not in operation. If the sidewalk café is not set up as described in the floor plan submitted to the SLA and within the hours of legal operation, the Operator will not allow patrons to remove alcoholic beverages from the interior of the Establishment or consume beverages in the outdoor area. The Operator agrees not to set up the sidewalk café prior to Noon (12:00 pm) on Sundays and will not serve alcohol in the outdoor area prior to Noon on Sundays. To be clear, if the applicant places non-permitted benches in the outdoor area instead of setting up the café in the legally proscribed manner, those benches and the outdoor area within the sidewalk café boundaries will not be utilized for the service or consumption of alcohol and the benches will be removed at the same hours as defined under the “Doors and Windows” which is 8:00 p.m.
11. **Change of Ownership:** The License shall not be transferable in the event of a change of ownership of the Establishment, unless the Operator first amends its hours of operation such that the closing time of the Establishment is 12:00 am every night. In the event there is a change in ownership, the Operator shall notify the Community Board and the Middle West 12<sup>th</sup> Street Block association within 60 days prior to any such change.

**Whereas**, there are some concerns expressed by members of CB2 that this type of alteration represents a morphing of one type of business into a more alcohol based business given the history of the applicants original beer and wine license, subsequent upgrade shortly thereafter and now an alteration less than 1 year after upgrading, and respectfully requests to the Liquor Authority that this be taken into account in the future should any other entities apply for a license at this location and to respectfully consider that this is a very residential street, but never-the-less, given the extensive stipulations agreement;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the alteration application for **Franco American Restaurant Investment Group, Inc. d/b/a L'Amant (Previously The Tea Set), 235 W. 12<sup>th</sup> St. unless** the statements the applicant has presented above are accurate and that those conditions and stipulations agreed to by the applicant relating to the 7<sup>th</sup> "whereas" clause continue to be incorporated into the "Method of Operation" on the SLA On Premise license.

**Vote:** Unanimous, with 42 Board members in favor.

**54. Rustic Table LLC, d/b/a The Quarter, 522 Hudson St. 10014 (serial number 1266110)**

**Whereas**, the applicant appeared before the committee for a second time after it was requested by CB#2, Man. that the applicant perform community outreach in August 2012; and

**Whereas**, this application is for a "transfer" of a restaurant beer and wine license for "casual tapas (small portion) restaurant with one owner" located between 10<sup>th</sup> street and Charles St. on the ground floor in a 5 story mixed use building residential commercial building for a 650 square foot premise with 13 tables and 32 table seats and 1 bar with 8 seats for a total of 40 seats inside; and,

**Whereas**, the proposed hours of operation are 11 a.m. to 1 a.m. Sunday to Wednesday and 11 a.m. to 2 a.m. Thursday-Saturday, there will be no tv's, no security personnel, no French doors or windows that open, music will be quiet background only from ipod/cd's, there is no soundproofing, there will never be dj's, live music, promoted events or scheduled performances; and,

**Whereas**, while this is a beer and wine license, for illustrative purposes, there are 20 full on-premise licenses within 500 ft, which does not include any beer and wine licenses; and,

**Whereas**, when the applicant originally appeared in August 2012, the applicant did not follow the directions for presenting to CB2's SLA Licensing Committee, nor did the applicant perform any community outreach, at that time, CB2 Manhattan requested the applicant perform community outreach and there were community members present in August 2012 who were willing to assist with that endeavor; and,

**Whereas**, the applicant only reached out to members of the community at the last minute and briefly met with them on September 13<sup>th</sup>, the day before CB2's SLA Licensing Committee meeting, and explained to CB2's Committee when asked why he waited so long that he had a confidentiality restriction that preventing him from discussing the matter, even though he had briefly presented his application in August 2012 to the committee at a public meeting that was advertised well in advance, and that he had specifically been asked by CB2 to perform community outreach and explain his concept and listen to any concerns; and,

**Whereas**, the applicant has never held any type of liquor license previously or operated a restaurant; and,

**Whereas**, the previous licensee from which he is seeking a transfer originally submitted their application to the Liquor Authority on 8/12/2005 and the regular operating hours for that restaurant were never past 12 a.m. and were widely stated as closing earlier on many online review and menu sites; and,

**Whereas**, since the original filing of this application many new beer and wine and on-premise liquor licenses have been issued in the immediate area representing a significant change in character which have resulted in many quality of life concerns, have impacted parking, traffic, noise and the like; and,

**Whereas**, the applicant did not submit area diagrams for their sidewalk café or correctly state the Department of Consumer Affairs approved seating arrangement including number of seats and tables; and,

**Whereas**, when the applicant originally presented this application in August 2012 and was requested to perform community outreach, the hours of operation were stated then to be Sunday to Wednesday closing at 12 a.m. and Thursday-Saturday closing at 2 a.m.; and,

**Whereas**, on the copy of the Liquor Authority Application the applicant states the hours that the chef will dedicate to the premises are from 12 Noon until 10 pm; and,

**Whereas**, the hours the chef will devote to the premise are significantly earlier than the closing time and the “small portion” Casual style Tapas is often how a wine bar operation begins instead of a restaurant and there was an unwillingness on the applicants part to modify their hours of operation to more closely match their competitions hours of operation for similar beer and wine licensed restaurants; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** for a “transfer” of a restaurant beer and the application for **Rustic Table LLC, d/b/a The Quarter, 522 Hudson St. 10014 (serial number 1266110); and,**

**THEREFORE BE IT FURTHER RESOLVED** that CB#2, Man. respectfully recommends that should the Liquor Authority consider granting this license that consideration be given to the following proposed stipulations which other beer and wine applicants in the area have agreed to or consider asking the applicant to return to CB#2, Man. to further discuss these matters:

13. Closing time: 11pm Sunday through Thursday; Friday and Saturday and national holidays 1 am.
14. All Doors and Windows will be closed by 9pm seven days a week.
15. Substantial menu items similar to those offered in afternoon and evening will be offered until closing each night.
16. The Operator shall not have DJ's, use outside promoters, have karaoke or allow promoted third-party events at the Establishment. This does not preclude the operator from using PR firms to promote their own business.
17. The operator shall play only quiet background level music inside the establishment and shall not direct any music outside of the establishment. All sound will be contained within the interior of the premises.
18. The Operator will advertise themselves as a tapas restaurant or other type of restaurant and not as a wine bar.
19. Hours of operation consistent with the method of operation of the wine and beer license will at all times be posted in front window.
20. The operator must return to CB#2, Man. to properly present their plans for the sidewalk café including a detailed diagram which reflects the agreed upon seating plan which the prior licensee negotiated with CB2 Manhattan and agreed to in order for this to be included in the newly licensed premise.

**Vote:** Unanimous, with 42 Board members in favor.

**55. Pocket Foods Corp. d/b/a Taboonette, 30 E. 13<sup>th</sup> St. 10003**

**Whereas,** the applicant appeared before the committee,

**Whereas,** this application is for a beer only license in a previously licensed space located between University and 5<sup>th</sup> Avenue, for a “family owned quick service eat in/take out restaurant that offers all kinds of food in pita, wraps or on a rice plate” situated on the ground floor of a 4 story mixed residential/commercial building for a 900 square foot premise with 2 tables and 16 seats, and 2 eating counters with 4 seats each for a total of 24 seats with one service bar, all beer will be ordered at register and then taken to seat; and,

**Whereas,** the hours of operation are closed Sunday, 8 a.m. to 10 p.m. Monday-Friday and 10 a.m. to 10 p.m. Saturday, there are no tv’s, music is back ground only from ipod/cd’s, there will never be a dj, there is existing basic soundproofing; and,

**Whereas,** there was a complaint by a local resident of loud music being played when the premises was open or closed which the applicant said he would address immediately; and,

**Whereas,** the applicant agreed to the following stipulations which they will execute as a stipulations agreement that they agreed will be attached and incorporated in to their method of operation on their SLA license stating that:

1. They agree to adhere to all facts as stated in CB2’s SLA Liquor License Questionnaire.
2. They will be closed and the premises vacated by all patrons by 11 p.m. 7 days a week.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a new beer only license for **Pocket Foods Corp. d/b/a Taboonette, 30 E. 13<sup>th</sup> St. 10003** **unless** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 5<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

**Vote:** Unanimous, with 42 Board members in favor

**56. Aperitivo Di Palma Inc., 30 Cornelia St. 10014**

**Whereas,** after this months CB2 SLA Licensing Committee meeting on September 13, 2012 where the committee voted to recommend denial for this new on-premise liquor license, but prior to CB2’s Full Board Meeting on September 20, 2012, the applicant requested to withdraw and re-present their application to CB2’s SLA Licensing Committee with a clearer presentation and more information to articulate their plans and after consultation between the Co-Chair’s of CB2’s SLA Committee, they agreed that the applicant could withdraw and re-present their application at the second regularly scheduled October 2012 CB2 SLA Licensing Committee meeting in light of changes to the application and an exception will made to allow this;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed liquor license or changes to any existing license for **Aperitivo Di Palma Inc., 30 Cornelia St. 10014** until the applicant has re-presented their application in front of CB2’s SLA Licensing

Committee in October 2012 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 42 Board members in favor.

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

**57. Bowery Poetry Club, Inc., 308 Bowery, 10012**

**Whereas**, the applicant did appear before the committee and accepted a layover from the hearing; and,

**Whereas**, a stipulation agreement between the applicant and the neighborhood association was not completed to everyone's satisfaction; and

**Whereas**, CB#2, Man. requested that the applicant and the neighborhood association work out this issue before CB2 hears this again; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any alteration to the liquor license for **Bowery Poetry Club, Inc., 308 Bowery, 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 42 Board members in favor.

**58. Garden Pizza Inc. d/b/a Pizza Box, 176 Bleecker St.**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on September 11th, 2012, the applicant's attorney requested to layover the application from consideration; and,

**Whereas**, this application is for the Corporate Change of their On Premise license; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed changes to the liquor license for **Garden Pizza Inc. d/b/a Pizza Box, 176 Bleecker St.** 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 42 Board members in favor.

**59. Moo Kamibika, Inc. d/b/a Masala Times, 194 Bleecker St. 10012**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on September 11th, 2012, the applicant's attorney requested to layover the application from consideration for the third time; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license for **Moo Kamibika, 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 42 Board members in favor.

**60. Sigma Burger Pie, LLC d/b/a Sigma Burger Pie, 68 W. 3rd St.**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on September 11th, 2012, the applicant's attorney requested to layover the application from consideration; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny the proposed liquor license for **Sigma Burger Pie, LLC d/b/a Sigma Burger Pie, 68 W. 3rd St.** 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 42 Board members in favor.

**61. 55 Resto, LLC, 55 Bond Street 10012**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on September 11th, 2012, the applicant's attorney requested to layover the application from consideration; and,

**Whereas**, this application is for the new On Premise license; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny the proposed liquor license for **55 Resto, LLC, 55 Bond Street 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 42 Board members in favor.

**62. The Mussel Pot, 174 Bleecker St. 10012**

**Whereas**, the applicant did appear before the committee and accepted a layover from the hearing; and,

**Whereas**, this application is for a Corporate Change of their On Premise license; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any proposed changes to their liquor license for **The Mussel Pot, 174 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 42 Board members in favor.

**63. Entity to be formed by George Tsinias, TBD, 70-80 Kenmare St. aka 184-188 Mulberry St.**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on September 11th, 2012, the applicant's attorney requested to withdraw the application from consideration; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Entity to be formed by George Tsinias, TBD, 70-80 Kenmare St. aka 184-188 Mulberry St.** 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 42 Board members in favor.

**64. An entity to be formed by Schratte Food Incorporated d/b/a Affinage, 223 Mulberry St**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on September 11th, 2012, the applicant's attorney requested to layover the application from consideration and will resubmit at a later date; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **An entity to be formed by Schratte Food Incorporated d/b/a Affinage, 223 Mulberry St** 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 42 Board members in favor.

**65. Dominic Amato or entity to be formed, 203 Spring St. 10012**

**Whereas**, the applicant **failed to appear** before CB2's SLA Licensing Committee after having been requested to do so by CB2, Manhattan upon CB2's receipt of a 30 day notice regarding this license application; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Dominic Amato or entity to be formed, 203 Spring 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 42 Board member in favor.

**66. 205 Thomson Street, LLC, TBD, 205 Thompson St. 10012 (attorney requested layover)**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on September 13, 2012, the applicant's attorney requested a **layover of consideration** for this application and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed liquor license or changes to any existing license for **205 Thomson Street, LLC, TBD, 205 Thompson 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 42 Board members in favor.

**67. Mystique Mystique, Inc. 354-55 West St. 10014**

**Whereas**, at this months CB2 SLA Licensing Committee meeting on September 13, 2012, the applicant appeared with their attorney and presented their application and the applicant's attorney agreed to a **layover of consideration** for this application which is for a full on-premise liquor license for an *adult entertainment establishment (Gentleman's Club)* and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting after performing additional community outreach to the neighboring residential buildings directly and to any other interested community groups and will also address issues as they relate to traffic so as not cause conditions that may impact this very important corner which is a major exit off the south bound West Side Highway/West St. and any additional actions as deemed relevant; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed liquor license or changes to any existing license for **Mystique Mystique, Inc. 354-55 West St. 10014** until the applicant has re-presented their application in front of CB2's SLA Licensing Committee and addressed any concerns and CB2 has forwarded a recommendation to the SLA and CB2 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 42 Board members in favor.

**68. Corp. to be formed by John Souto, 501 Hudson St. 10014**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on September 13, 2012, the applicant's attorney requested a **layover of consideration** for this application and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed liquor license or changes to any existing license for **Corp. to be formed by John Souto, 501 Hudson St. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.



**Vote:** Unanimous, with 42 Board members in favor

**69. Village Eats 10011, LLC, d/b/a Umami Burger, 432 Sixth Ave. 10011**

**Whereas,** prior to this months CB2 SLA Licensing Committee meeting on September 13, 2012, the applicant's attorney requested a **layover of consideration** for this application and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed liquor license or changes to any existing license for **Village Eats 10011, LLC, d/b/a Umami Burger, 432 Sixth Ave. 10011** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

**Vote:** Unanimous, with 42 Board members in favor.

**70. Swiss Institute, 18 Wooster St. 10013**

**Whereas,** prior to this months CB2 SLA Licensing Committee meeting on September 13, 2012, the applicant requested to **withdraw** consideration for their application for a new on-premise liquor club license at the above noted premise; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Swiss Institute, 18 Wooster Street, 10013** 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 42 Board members in favor.

**71. Kevin LaCarrubba, d/b/a Lola's Kitchen Corp. 128 Charles St. 10014**

**Whereas,** prior to this months CB2 SLA Licensing Committee meeting on September 13, 2012, the applicant's attorney requested a **layover of consideration** for this application and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man.strongly recommends that the SLA **deny** any type of proposed liquor license or changes to any existing license for **Kevin LaCarrubba, d/b/a Lola's Kitchen Corp. 128 Charles St. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

**Vote:** Unanimous, with 42 Board members in favor.

**71. FB Café 70 Greenwich Ave., Inc. d/b/a Francios Café, 70 Greenwich Ave. 10011 (laid over)**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on September 13, 2012, the applicant's attorney requested a **layover of consideration** for this application and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed liquor license or changes to any existing license for **FB Café 70 Greenwich Ave., Inc. d/b/a Francios Café, 70 Greenwich Ave. 10011** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

**Vote:** Unanimous, with 42 Board members in favor.

**72. Eater Eats Crow, LLC d/b/a Sel Et Gras, 131 7<sup>th</sup> Ave. South (Serial Number 1261220)**

**Whereas**, prior to this months CB2 SLA Licensing Committee meeting on September 13, 2012, the applicant's attorney requested to withdraw this alteration application which was to add the existing sidewalk café to the current applicant's restaurant wine license, serial number 1261220, and stated at CB2's SLA Committee Meeting on September 13, 2012 that the sidewalk was submitted as part of the applicants original Liquor Authority application which was not reviewed by CB2 Manhattan; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the Liquor Authority **verify** that the sidewalk café was indeed diagrammed and included as part of the original Liquor Authority application for the restaurant wine license serial #1261220 for **Eater Eats Crow, LLC d/b/a Sel Et Gras, 131 7<sup>th</sup> Ave. South** and if not, CB2 Manhattan requests that the Liquor Authority request that the applicant return to CB2 Manhattan and present this alteration application in front of CB2's SLA Licensing Committee so that CB2 is able to forward a recommendation 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 42 Board member in favor.

**TRAFFIC AND TRANSPORTATION**

**1. Resolution in response to NYCDOT Presentation on Preliminary Gansevoort Pedestrian Plaza Roadway Geometry**

**Whereas** CB#2, Man. thanks the NYC Department of Transportation (DOT) for presenting their not fully finalized Gansevoort Plaza urban design/roadway geometry plan (for permanent construction) to obtain feedback from the community, in response to CB2's request for this early presentation in advance of plan completion, and appreciates DOT's openness to community input on issues, ideas and concerns, and willingness to return again for final approval; and

**Whereas** DOT's findings show that people like the area's openness, and the tables and chairs are popular; that the community favors preserving the cobblestones, as does the Landmark Preservation Commission (LPC), and that cobblestone damage exists; that the west side of 9<sup>th</sup> Ave. (which is where utilities are located) has the most historic buildings, calling for preserving the historic sidewalk width; and

**Whereas** the greatest concern expressed by the community is nighttime noise, particularly loud, unceasing vehicular horn honking, starting at 10 p.m., reaching a crescendo between 1:00 and 4:00 a.m., and disturbing, well nigh preventing residents' sleep; and

**Whereas** DOT has conducted data analysis, including crash data and time lapse, both day, night and at nighttime peak hours, showing delay time is significant (often at LOS D to F levels), a situation eliciting horn honking, stop-and-go noise and congestion; and

**Whereas** the preliminary scheme that DOT is considering is for a simpler and straighter 9<sup>th</sup> Ave. than currently exists, with two lanes and space for dropoffs/pickups (locations to be decided), more pedestrian space on the east side with a new moved-out curb while also preserving the old eastern curb as a historic marker, in keeping with LPC desires; and

**Whereas** DOT is looking at reversing the direction of traffic on 13<sup>th</sup> St. to go east between 9<sup>th</sup> and 8<sup>th</sup> Aves. (still west from 9<sup>th</sup> Ave. to the West Side Highway) while exploring other opportunities to channel traffic to the West Side Highway (e.g. on 15<sup>th</sup> St.), is considering signalization changes, e.g. at 14<sup>th</sup> St. and 9<sup>th</sup> Ave. (plus other solutions for that complex intersection), studying potential taxi stand locations, proposing installation of flat top cobblestones, is willing to look at parking, and investigating bike lane safety; and

**Whereas** suggestions and requests proposed by the community include:

- Extending the study area to the south end, i.e. the impacted residential area, including Greenwich at Horatio, Jane and Gansevoort Sts., and where W. 4<sup>th</sup>, W. 13<sup>th</sup> and Gansevoort Sts. meet, as well as east to 8<sup>th</sup> Ave., particularly focusing on the hours of 10:00 p.m. to 4:00 a.m. Thursdays, Fridays and Saturdays.
- Removing parking on the south side of Horatio St. between Washington St. and 8<sup>th</sup> Ave.
- Remove left hand turns: Washington at Horatio/ Horatio at Greenwich Street.
- Installing taxi stands, possibly on 14<sup>th</sup> St., Washington St. and Hudson St.
- Closing Greenwich St.-9<sup>th</sup> Ave. from Horatio St. to 14<sup>th</sup> St. (or parts of this corridor) on Saturday nights or other night hours.
- Installing traffic lights along Greenwich St. intersections.
- Enforcing No Honking signs and increased enforcement everywhere.
- Installing flat top cobblestones and repairing damaged and uneven cobblestones.
- Implementing early action improvements to provide immediate relief in advance of reconstruction.
- Setting up a nighttime walkthrough by the DOT team with community representatives to observe conditions at the most distressing late night and early morning hours; and

**Whereas** there are many entry points into the area, but very few going out; and

**Whereas** the chaotic and blocked up flow of traffic, especially taxicabs and limos, as well as private vehicles, calls for strict and comprehensive enforcement to establish order and reduce congestion;

**Therefore be it resolved** that CB#2, Man. supports many of DOT's proposals, with some provisos, as follows:

- Adding more pedestrian space on the east side incorporating both a moved out curb and the original curb seems feasible, but this alignment should be tested first with temporary planters and/or bollards or other delineators to assess if it works in concert with the need to reduce congestion.
- Reversing the direction of W. 13<sup>th</sup> St. between 9<sup>th</sup> and 8<sup>th</sup> Aves.
- Improving traffic signal timing at the intersection of W. 14<sup>th</sup> St. and 9<sup>th</sup> Ave. and eliminating the right turn there.

- Installation of flat top cobblestones.
- Setting up taxi stands, after carefully studying the area for the most appropriate locations.

**Be it further resolved** that CB#2, Man. asks that DOT study the south (residential) end, including consideration of traffic lights on Greenwich St. at Horatio and Gansevoort Sts., and also arrange for a walkthrough of both the north and south area with community representatives during the key impacted nighttime and early morning hours; and

**Be it further resolved** that CB#2, Man. requests that DOT investigate the possibility of closing Greenwich St.-9<sup>th</sup> Ave. from Horatio St. to 14<sup>th</sup> St. (or parts of this corridor) at certain evening hours or other times of day, perhaps to commercial or other vehicles only, weighing this in terms of possible traffic overflow from closure points into the surrounding neighborhood, potential hanging out by club-goers (creating more noise than ever) and lack of dropoff-pickup access for hotel guests; and

**Be it further resolved** that CB#2, Man. encourages DOT to examine the option of providing muni-meter parking on certain streets, limiting parking time as well as parking times of day; and

**Be it further resolved** that CB#2, Man. requests that DOT study the potential for other vehicular exit point opportunities and ensure that Gansevoort St. will remain westbound, beginning at W. 4<sup>th</sup> St.; and

**Be it further resolved** that CB#2, Man. urges DOT to implement early action improvements as soon as possible in advance of reconstruction, such as:

- Removing one lane of parking on Horatio St. between Washington St. and 8<sup>th</sup> Ave.
- Eliminating the left turn from Washington onto Horatio St. on Thursday, Friday and Saturday evenings.
- Eliminating the left turn from Horatio onto Greenwich St. on Thursday, Friday and Saturday evenings.

All of these require signage changes only, and can be evaluated for their effectiveness while providing some relief to the community; and

**Be it finally resolved** that CB#2, Man. urges DOT to organize a meeting with the NYPD 6<sup>th</sup> Precinct, the Taxi and Limousine Commission, the NYC Department of Environmental protection, and representatives from CB2 and the community to discuss necessary enforcement, especially of taxi behavior, and methodologies to achieve it, and the most efficient approaches to deploying manpower for effective local enforcement of No Honking, cruising and other vehicular infractions.

Vote: Unanimous, with 42 Board members in favor.

## **2. Resolution requesting intensive traffic safety measures at Houston St. and Ave. of the Americas**

**Whereas** on August 27, 2012, Jessica Dworkin, a resident of the CB#2, Man. community, was hit, dragged and killed by a flatbed truck turning north from westbound Houston St. onto the Ave. of the Americas (6<sup>th</sup> Ave.) as she was crossing 6th Ave. at Houston; and

**Whereas** CB#2, Man. held a discussion of this devastating traffic fatality at its September 11, 2012 Traffic and Transportation Committee meeting to obtain community input in order to find potential solutions to further traffic safety at that exceptionally dangerous intersection; and

**Whereas** input from the community, among them numerous residents and users of the surrounding area, included the following commentary, recommendations and requests:

- Incorporate a specific pedestrians-only green light phase in the traffic signal for the 6<sup>th</sup> Ave. crossing. (The LPI/Leading Pedestrian Indicator currently there has led to vehicles turning into 6<sup>th</sup> Ave. while crossing pedestrians are still in the crosswalk there) A turning light arrow is also suggested.
- Despite the neckdown on the northwest corner, the 6 lanes across 6<sup>th</sup> Ave. are difficult for pedestrians to cross, therefore an additional neckdown at the northeast corner is requested to shorten that crossing and force a wider, safer turn from Houston into 6<sup>th</sup> Ave. headed north.
- Houston St. to turn into 6<sup>th</sup> Ave., in addition to using the real turning lane, with trucks often going on the sidewalk and/or making too-narrow turns (exacerbating off-tracking dangers from the rear wheels), therefore some type of protective barrier is needed to prevent this, either by installing an island abutting and narrowing the bus lane or extending the sidewalk into that lane (and moving the bus stop north one block).
- There is poor visibility at this intersection for both pedestrians and vehicles, too many turns at once, and general mayhem with traffic entering in such profusion in so many places, calling for “Yield to Pedestrians” signage (and possibly painted in the traffic lanes).
- Vehicles rampantly disregard and go through red lights, and a red light camera should be installed at the Houston St./6<sup>th</sup> Ave. intersection (where a non-working camera is presently located)
- There is a significant amount of speeding on Houston St., and traffic lights should be staggered to slow the traffic down, with particular attention to Houston St. at both the MacDougal and Thompson St. crossings.
- The area is very dangerous to children, and extra precautions need to be taken, especially having several schools (Little Red Schoolhouse, Our Lady of Pompeii School, Elizabeth Irwin) and playgrounds (e.g., Minetta, Downing, Passanante) in the area, such as incorporating School Children Crossing signage, as well as signage protecting special needs children, i.e., pickup/dropoff signs indicating the stop for their bus there, and in addition to the school crossing guard (who should be retained, and who herself attested to the dangerous nature of that intersection and the need to protect children there), the presence of NYPD enforcement on a regular basis. (The NYPD 6<sup>th</sup> precinct representative indicated that 93 summonses have been issued since the crash).
- A request that the NYC Department of Transportation (DOT) meet with representatives of the local community to walk the area and discuss solutions; and

**Whereas** the NYPD 6<sup>th</sup> precinct representative indicated that the driver of the truck that killed Jessica Dworkin received summonses for failure to yield and to exercise due care (indicating behavior dangerous to pedestrians), (but he was not cited for lack of legally required front-mounted crossover mirrors that give truck drivers a view of what’s directly in front of them), and also indicated the driver was sober and had a clean driving record (which would seem to imply that no criminality is suspected, a common police interpretation); and

**Whereas** CB#2, Man. has been unable to obtain many necessary details from the NYPD, such as the truck size and whether it met size regulations and/or carried a special permit, and where the truck was coming from (e.g., did it bypass the Verrazano Bridge one-way toll, entering Manhattan instead, a grave CB2 concern);

**Therefore be it resolved** that CB#2, Man. requests that DOT institute the following traffic safety improvements at and leading up to the dangerous intersection of Houston St. and 6<sup>th</sup> Ave:

- Incorporate a specific pedestrians-only green light phase in the traffic signal for the 6<sup>th</sup> Ave. crossing as well as a turning light arrow.
- Construct a neckdown at the northeast corner of the 6<sup>th</sup> Ave. crosswalk at Houston St., in the short term delineating this extension with bollards for immediate relief
- Construct a protective barrier either by installing an island next to (south of) the bus lane abutting the sidewalk on the northeast side of Houston St. at 6<sup>th</sup> Ave. or by extending the sidewalk into that lane (and having the bus stop moved north one block), in both cases using defining bollards in the short term for quick relief.
- Install Yield to Pedestrians signage on Houston St. approaching the turn on 6<sup>th</sup> Ave. and on other key approaches to that intersection.
- Install a red light camera at the intersection.
- Study how traffic lights should be staggered to slow the traffic down on Houston St., looking at both the MacDougal and Thompson St. crossings in particular, and adjust light timing accordingly.
- Install School Children Crossing signage at the intersection and pickup/dropoff signs indicating the stop for the bus for children with special needs there.
- Meet with representatives of the local community to walk the area and discuss solutions; and

**Be it further resolved** that CB#2, Man. asks the NYPD to dispatch police to the Houston St./6<sup>th</sup> Ave. intersection for enforcement on a regular basis;

**Be it finally resolved** that CB#2, Man. urges the NYPD to thoroughly investigate the details of this tragic Houston St./6<sup>th</sup> Ave. traffic fatality, including regulations regarding truck size requirements and whether they were met, where the truck was coming from and the route it used to reach Houston St., size and type of load and consideration of the driver's judgment and accountability, and to provide these and any other pertinent details that are obtained to CB2.

Vote: Unanimous, with 42 Board members in favor.

### **3. Resolution in support of NYC Council package of six bills (Crash Investigation Reform Act) to address the need for thorough investigation and reporting of traffic crashes.**

**Whereas** on August 27, 2012, Jessica Dworkin, a resident of the CB#2, Man. community, was hit, dragged and killed by a flatbed truck turning north from westbound Houston St. onto the Ave. of the Americas (6<sup>th</sup> Ave.) as she was crossing 6th Ave. at Houston St.; and

**Whereas** CB#2, Man. has been unable to obtain many necessary details from the NYPD regarding this traffic fatality, such as crash statistics, where the truck was coming from, photo documentation of the crash scene, analysis of the driver's culpability (e.g., he received summonses for failure to yield and to exercise due care (indicating behavior dangerous to pedestrians), but he was not cited for lack of legally required front-mounted crossover mirrors that give truck drivers a view of what's directly in front of them, and there's no indication of assessment of whether he exercised proper judgment in turning or paid sufficient attention); and

**Whereas** at present there is a severe lack of standard procedures and capacity to enable thorough investigation and reporting on the part of the NYPD of traffic crashes, injuries and fatalities, as well as subsequent follow through, for example, the NYPD Accident Investigation Squad, with a staff of only a few more than 20 investigators, is limited in investigating the thousands of crashes a year resulting in

injury (including severe injury) and focuses on fatalities; motor vehicle accident statistics are posted by month but not the current month and are then removed; and driver criminality (except for intoxication) is rarely considered; and

**Whereas** the following package of six bills (Crash Investigation Reform Act) has been introduced in the NYC Council to address the need for thorough investigation and reporting on the part of the NYPD of traffic crashes, as well as subsequent follow through:

- **Res 1435-2012:** “Resolution calling on the Commissioner of the New York City Police Department to revise the Department’s patrol guide section regarding police response to motor vehicle accidents that result in death or serious injury likely to result in death to reflect the New York State Vehicle and Traffic Law
- requirement that police investigate all accidents involving serious physical injury or death, as defined by the Penal Law.”
- **Res 1436-2012:** “Resolution calling on the Commissioner of the New York City Police Department to revise the Department’s patrol guide to ensure that any time a motor vehicle causes a bicyclist to be injured, regardless of whether or not there was contact between the vehicle and bicycle, all of the motor vehicle’s identifying and insurance information is provided to the responding officer and made available to the injured cyclist.”
- **Res 1434-2012:** “Resolution calling on the Commissioner of the New York City Police Department to train at least five police officers, including a traffic enforcement officer, in each precinct to conduct thorough investigations of vehicle accidents resulting in serious injuries.
- **Int 0900-2012:** “A Local Law to amend the administrative code of the city of New York, in relation to the creation of a traffic crash investigation task force to analyze traffic data, traffic laws, and traffic crash investigation policies and procedures.”
- **Int 0903-2012:** “A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to post certain precinct-related information on the department’s website.”
- **Int 0904-2012:** “A Local Law to amend the administrative code of the city of New York, in relation to reporting about traffic crashes.”

**Therefore be it resolved** that CB#2, Man. fully supports this package of six NYC Council bills (Crash Investigation Reform Act), which are currently in committee, and urges that all six be brought to the Council floor for a full Council vote as speedily as possible; and

**Be it further resolved** that CB#2, Man. urges that the NYC Council vote to pass these bills as law.

**Vote:** Unanimous, with 42 Board members in favor.

Respectfully submitted,

Susan Kent  
Secretary  
Community Board #2, Manhattan