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Daniel Miller, *First Vice Chair*  
Susan Kent, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Erik Coler, *Assistant Secretary*

## COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

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

P: 212-979-2272 F: 212-254-5102 E: [info@cb2manhattan.org](mailto:info@cb2manhattan.org)

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

### FULL BOARD MINUTES

**DATE:** February 16, 2017  
**TIME:** 6:30 P.M.  
**PLACE:** Scholastic Building, 557 Broadway

**BOARD MEMBERS PRESENT:** Susanna Aaron, Keen Berger, Tobi Bergman, Katy Bordonaro, Don Borelli, Lisa Cannistraci, Erik Coler, Tom Connor, Terri Cude, Chair; Doris Diether, Kathleen Faccini, Joseph Gallagher, Susan Gammie, Sasha Greene, David Gruber, Susan Kent, Jeannine Kiely, Edward Ma, Maud Maron, Daniel Miller, Lauren Racusin, Lois Rakoff, Robert Riccobono, Robin Rothstein, Sandy Russo, Rocio Sanz, Shirley Secunda, Kristin Shea, Shirley Smith, Susan Wittenberg, Antony Wong

**BOARD MEMBERS ABSENT WITH NOTIFICATION:** Coral Dawson, Cristy Dwyer, Robert Ely, Billy Freeland, Elaine Young

**BOARD MEMBERS ABSENT:** Joshua Frost, Delaney Kempner, Alexander Meadows, Frederica Sigel

**BOARD MEMBERS PRESENT/ARRIVED LATE:** Carter Booth, Anita Brandt, Ritu Chattree, Cormac Flynn, Jonathan Geballe, Robin Goldberg, Chenault Spence

**BOARD MEMBERS PRESENT/LEFT EARLY:** Richard Caccappolo

**BOARD STAFF PRESENT:** Bob Gormley, District Manager; Josh Thompson, Assistant District Manager, and Florence Arenas, Community Coordinator

**GUESTS:** Robert Atterbury, Congressman Jerrold Nadler's office; Elena Sorisi, Senator Brad Hoylman's office; Eric Mayo, Senator Daniel Squadron's office; Charles Anderson, Assembly Member Deborah Glick's office, Laurence Hong, Assembly Member Yu-Line Niou's office; Dan Campanelli, NYC Comptroller Scott Stringer's office; Andrew Chang, Manhattan Borough President Gale Brewer's office; Adam Chen, Public Advocate Letitia James' office; Patrice Comerford, Council Member Corey Johnson's office; Jasmine Askew, Council Member Rosie Mendez's office; Sabrina Hua, Council Member Margaret Chin's office; Marshall Kaufman, Meredith Sunriver, Joy Pape, Prerna Menon, Shun Ru Xiao, Deborah Grace, Brian Pape, Michael Friedman, Bob Michel, Chris Landry, Alessandro Bandini, Brian Ripel, Jan Crawford, Ayssa Gorton, Jane Carey, Allison Nie, Cynthia Chin, Valerie Campbell, Sharon Anderson, Jaime Delia, C. Martinez, Michele Campo, Ann Arlen, Cordelia Perssen, Georgette Fleischer, Genevieve Michael, James Deane, Paul Park, Mostafa Osman, Amanda Younger, Richard Mewha, Daysi Michel, Olga Suskind, Anne Geller, Eve Wetlaufer, Elaine Saville, James Johnson, Kathi Gulotta, Greg Goldberg, Atit Javeri, Marna Lawrence, Frederic Gabriel, Robert Moory, Joyce Friedman, Pete Davies, Morgan Humphries, Rachel Yarmulinsky, Marnna Gallant, Yulcie Ohte, Dalane Mason, Kristin Manting, Sheryl Woodruff, Martina Lipman, Kesav Dama, Lisa Orrantia, Mark Koppel, David Karlin, Jennifer Siedun, Penny Jones, Christopher Porras, Daniela Turley, Jesse Acosta, Henry Dombrowski, Tauba Auerbach, Krystal Kattler, Greg Milles, Olivia Lernard, Aaron Foldenauer,

**GUESTS (continued):** Leslie Chin, Je Crup, Mae Caraldo, Greg Sh, Jonathan Anderson, Shai Navov, Elizabeth Argiban, Sylvia Jensen, Sophia Sun, Chloe Hirshhorn, Mike Doyk, Roberto Bonelli, Rob Banks, Laura Leopardo, Kirsten Doyle, Harriet Glassman, Richard Turley, Susan Weinthaler, Tyrone McLamb, Robert Appel, Lele Saveri, Jeannette Ruffins, Tom Lenis, Z. Bernstein, Caroline Harris, Eva Halpern, Regina Joseph, Panos Ipeiritis, Candy Buckley, Janan Tomka, Eddie Sullivan, Leonardo Anguizno, Nathan Semmel, Marisa Redanty, Dan Eggers, Anita Remruli, Mya Culner

**MEETING SUMMARY**

Meeting Date – February 16, 2017  
 Board Members Present – 36  
 Board Members Absent With Notification – 4  
 Board Members Absent - 5  
 Board Members Present/Arrived Late - 7  
 Board Members Present/Left Early – 1

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**II. PUBLIC SESSION**

**Non-Agenda Items**

Mayor’s One Book Campaign

Marisa Redanty spoke regarding the mayor’s One Book campaign initiative.

Kyle Jenner Pop-Up Shop

Candy Buckley spoke against the pop-up, citing crowds and noise.

National Endowment for the Arts

Kristin Manting spoke regarding proposed cuts in funding.

### Canada Goose Protests

Nathan Semmeland Leonardo Anguizno spoke in favor of the protests in front of the retail establishment.

Eddie Sullivan spoke against the protests.

Janan Tomke spoke regarding noise on Wooster St. due to the protestors in front of the establishment.

### Climate Change

Nina Chen spoke regarding this topic.

### Caregiver Services

Tyrone McLamb spoke regarding these services.

### Washington Square Park Conservancy

Kristin Shea updated everyone regarding the conservancy.

### Single Payer Health Care NY

Sandy Russo spoke in favor of this.

### Community Advisory Board of Bellevue Hospital

Lois Rakoff announced that a legislative breakfast is being held on March 3<sup>rd</sup>, from 9:30-11:30 am.

### **Land Use and Business Development Items**

10 Greene St.-application for special permit to modify use regulations to allow residential uses on the cellar, 1<sup>st</sup> and 2-5 floors, 2-story penthouse, and use regulations to allow retail uses on 1<sup>st</sup> floor and cellar Caroline Harris, Atit Javeri, and Brian Ripel, representing the applicant, spoke in favor of the proposed change in use for this premise.

55-57 Spring St. Application for Zoning Text Amendment to change Area of the Special Little Italy District from Area A to Area A1, so that ground floor commercial uses could cover their entire lots Dan Egers, representing the applicant, spoke in favor of the proposed zoning text change.

Henry Dombrowski and Michele Campo spoke against the proposed zoning text change.

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

150 Barrow St.-Appl. to install storefront infill, alter window opening for flood egress; rooftop addition Regina Joseph, Jan Crawford, Eva Halpern, and Daniela Turley, all spoke against the proposed application.

Susan Weinthaler spoke in referenced to the application.

541 Broadway-Application is to install entrance accessibility ramp, and to legalize installation of sidewalk vault diamond plate, rear façade intercom, and rear façade flagpole

Pete Davies spoke in favor of the Landmarks application.

Leigh Behnke spoke in opposition to the application.

## **Quality of Life Items**

### Annual Dance Parade

Greg Miller spoke in favor of the 11<sup>th</sup> Annual Dance Parade Grandstand to be held on May 20<sup>th</sup>.

## **SLA Licensing Items**

### Pokespot Cleveland Pl., LLC d/b/a The Pokespot, 25 Cleveland Pl.

Georgette Fleischer and Marna Lawrence spoke against the proposed beer and wine license application.

## **Traffic and Transportation Items**

### Traffic Calming on both Bleecker and W. 3rd Sts. bet. LaGuardia Pl. and Mercer St.

Panos Ipeirotis spoke in favor of the proposal.

### Review of Possibility of No Standing sign for one space in front of NobleDEN Hotel, 196 Grand St.

Morgan Humphries, from the hotel, spoke in favor of the proposal.

## **III. ADOPTION OF AGENDA**

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

Robert Atterbury, Congressman Jerrold Nadler's office

Elena Sorisi, Senator Brad Hoylman's office

Eric Mayo, Senator Daniel Squadron's office;

Dan Campanelli, NYC Comptroller Scott Stringer's office;

Andrew Chang, Manhattan Borough President Gale Brewer's office

Charles Anderson, Assembly Member Deborah Glick's office

Patrice Comerford, Council Member Corey Johnson's office

Sabrina Hua, Council Member Margaret Chin's office;

Jasmine Askew, Council Member Rosie Mendez's office,

## **V. ADOPTION OF MINUTES**

Adoption of December 2016 and January 2017 minutes

## **VI. EXECUTIVE SESSION**

1. **Chair's Report** Terri Cude reported.

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

## **STANDING COMMITTEE REPORTS**

### **ARTS & INSTITUTIONS**

#### **Resolution in Support of the Protection and Preservation of the National Endowment for the Arts (NEA)**

**Whereas** CB2, Man. has a long history of supporting local arts and culture and our local arts organizations, which are vital to our community and CB2's identity; and

**Whereas** CB2, Man. believes that the creation and experience of art is essential to human health and happiness, access to art an inseparable component of a free society, and the support of art a public duty; and

**Whereas** the National Endowment for the Arts (NEA), established by Congress in 1965, is the independent federal agency whose funding and support gives Americans the opportunity to participate in the arts, exercise their imaginations, and develop their creative capacities; and

**Whereas** President Lyndon Johnson, on signing into existence the National Endowment for the Arts stated, "Art is a nation's most precious heritage. For it is in our works of art that we reveal to ourselves and to others the inner vision which guides us as a nation. And where there is no vision, the people perish"; and

**Whereas** through partnerships with state arts agencies, local leaders, other federal agencies, and the philanthropic sector, the NEA supports arts learning, affirms and celebrates America's rich and diverse cultural heritage, and extends its work to promote equal access to the arts in every community across America; and

**Whereas** it has been reported that the Trump Administration is considering eliminating or defunding the NEA; and

**Whereas** the NEA budget was only .0042% of the total federal spending in FY2016, a total cost per American of approximately \$0.46; and

**Whereas** part of the NEA's credo, "Art works" declares that "arts jobs are real jobs that are part of the real economy. Art workers pay taxes, and art contributes to economic growth"; and

**Whereas** the NEA has awarded crucial grants to artists, arts organizations and educational institutions in the CB2, Man. area that depend on NEA funding for their programs or continued operation, such as:

- Cherry Lane Alternative Inc.
- Clubbed Thumb
- DanceNOW
- Film Forum
- Friends of the HighLine
- HB Studio
- Home for Contemporary Theatre and Art, Ltd. (aka HERE)
- International Center of Photography
- New School University

- New York University
- The Public Theater
- Soho Think Tank, Inc. (aka New Ohio Theatre)
- Theatreworks U.S.A.
- Whitney Museum of American Art
- The Wooster Group

**Whereas** eliminating the NEA would undermine the arts and culture programs that build a stronger and more resilient CB2 community and would leave a lasting adverse impact on the economy and quality of life in CB2, and the City at large.

**Therefore Be It Resolved** that CB2, Man. calls upon our local elected officials to use their political influence to block any efforts on the part of the Trump Administration to eliminate or defund the National Endowment for the Arts (NEA).

VOTE: Unanimous, with 38 Board Members in favor.

**LAND USE AND BUSINESS DEVELOPMENT**

**1. C 170237 ZSM 357 Canal Street** (between Wooster Street and West Broadway) application for special permit to allow retail uses below the second floor in a M1-5B zoning district

**Whereas:**

1. This is a five-story building located within an M1-5B zoning district with 5560 square feet of floor area.
2. The applicant seeks a special permit in accordance with NYC ZR Section 74-781 to allow Use Group 6 retail and service establishment uses in portions of the ground floor and cellar of the building.
3. The upper floors of the project area are interim multiple dwellings (IMD) that have been under the jurisdiction of the Loft Board since 1983. Specifically:
  - a. The second and fifth floors are buyer (tenants sold their Loft Law rights); these floors must stay residential but are market-rate.
  - b. The third and fourth floors were abandoned and must stay residential but are also not rent-regulated.
4. The upper floors will remain JLWQA.
5. There is no Certificate of Occupancy for the building.
6. The Alt1 permit to legalize the residential units that was current in 2015 is still current, but the work has not been completed.
7. The applicant presented evidence of a satisfactory effort to rent the space at market rates to conform to the requirements for the special permit.
8. The cellar and ground floor of the building have been vacant since August 2009.
9. Retail space is limited to 1112 sf of floor space in the cellar and 930 sf of zoning floor area on the ground floor.
10. There is a 13'-9"-wide potential entrance to this property on Wooster St., which if combined with this space and the applicant's adjoining properties at 359 and 361 Canal, could threaten to overtax that narrow street.
11. No bars or nightclubs are planned.

12. There was no public opposition to this application expressed at the meeting and CB2 is not aware of local opposition to legalization of street level retail uses in this area.

**Therefore, be it resolved** that CB2, Man. has no objection to allowing Use Group 6 at this location, but recommends denial unless the following are included as conditions of approval:

1. That the intent of the project is to complete the legalization of all uses in the building in full compliance with the purposes of IMD law.
2. That legalization work will proceed in a timely fashion and upon leaving the Loft Board's jurisdiction, the units are (and remain) properly registered.
3. That the DOB filing shall include all work needed for a permanent CO for the entire building, and
4. That upon filing for such work, application will be made to the Loft Board for a Letter of No Objection.

Vote: Unanimous, with 36 Board members in favor.

2. **C 170235 ZSM 359 Canal Street** (between Wooster Street and West Broadway) application for special permit to allow retail uses below the second floor in a M1-5B zoning district

**Whereas:**

1. This is a five-story building located within an M1-5B zoning district with 6675 square feet of floor area.
2. The applicant seeks a special permit in accordance with NYC ZR Section 74-781 to allow Use Group 6 retail and service establishment uses in portions of the ground floor and cellar of the building.
3. The upper floors of the project area are interim multiple dwellings (IMD) that have been under the jurisdiction of the Loft Board since 1983. Specifically:
  - a. The second and fourth floors are buyer (tenants sold their Loft Law rights); these floors must stay residential but are market-rate.
  - b. The third and fifth floors must stay residential and are rent-regulated.
4. The upper floors will remain JLWQA.
5. There is no Certificate of Occupancy for the project area.
6. The Alt1 permit to legalize the residential units that was current in 2015 is still current, but the work has not been completed.
7. The applicant presented evidence of a satisfactory effort to rent the space at market rates to conform to the requirements for the special permit, but research revealed the following on the entities contacted by the applicant:
8. The cellar and ground floor of the building have been vacant since 2011.
9. Retail space is limited to 1335 sf of floor space in the cellar and 1161 sf of zoning floor area on the ground floor.
10. The applicant's adjoining property at 357 Canal has a 13'-9"-wide potential entrance on Wooster St, which if combined with this property and 361 Canal could overtax this narrow street.
11. No bars or nightclubs are planned.
12. There was no public opposition to this application expressed at the meeting and CB2 is not aware of local opposition to legalization of street level retail uses in this area.

**Therefore, be it is resolved** that CB2, Man. has no objection to allowing Use Group 6 at this location, but recommends denial of this application unless the following are included as conditions of approval:

1. That intent of the project is to complete the legalization of all uses in the building in full compliance with the purposes of IMD law.
2. That legalization work will proceed in a timely fashion and upon leaving the Loft Board's jurisdiction, the units are (and remain) properly registered.
3. That the DOB filing shall include all work needed for a permanent CO for the entire building, and
4. That upon filing for such work, application will be made to the Loft Board for a Letter of No Objection.

Vote: Unanimous, with 36 Board members in favor.

**3. C 170236 ZSM 361 Canal Street** (between Wooster Street and West Broadway) application for special permit to allow retail uses below the second floor in a M1-5B zoning district

**Whereas:**

1. This is a five-story building located within an M1-5B zoning district with 6200 square feet of existing floor area.
2. The applicant seeks a special permit in accordance with NYC ZR Section 74-781 to allow Use Group 6 retail and service establishment uses in portions of the ground floor and cellar of the building.
3. The upper floors of the project area are interim multiple dwellings (IMD) that have been under the jurisdiction of the Loft Board since 1983. Specifically:
  - a. The second and fourth floors are buyer (tenants sold their Loft Law rights); these floors must stay residential but are market-rate.
  - b. The third and fifth floors must stay residential and are rent-regulated.
4. The upper floors will remain JLWQA.
5. There is no Certificate of Occupancy for the project area.
6. There is a current Alt1 permit to legalize the residential units, but the work has not been completed.
7. The applicant presented evidence of a satisfactory effort to rent the space at market rates to conform to the requirements for the special permit, but research revealed the following on the entities contacted by the applicant:
8. The cellar and ground floor of the building have been vacant since May, 2015.
9. Retail space is limited to 1240 sf of floor space in the cellar and 1181 sf of zoning floor area on the ground floor.
10. There is no current connection between 359 and 361 Canal St., but if this space and the applicant's adjoining properties at 359 and 357 Canal were combined, the result could threaten to overtax that narrow street.
11. No bars or nightclubs are planned.
12. There was no public opposition to this application expressed at the meeting and CB2 is not aware of local opposition to legalization of street level retail uses in this area.

**Therefore, be it is resolved** that CB2, Man. has no objection to allowing Use Group 6 at this location, but recommends denial of this application unless the following are included as conditions of approval:



1. That intent of the project is to complete the legalization of all uses in the building in full compliance with the purposes of IMD law.
2. That legalization work will proceed in a timely fashion and upon leaving the Loft Board's jurisdiction, the units are (and remain) properly registered.
3. That the DOB filing shall include all work needed for a permanent CO for the entire building, and
4. That upon filing for such work, application will be made to the Loft Board for a Letter of No Objection.

Vote: Unanimous, with 36 Board members in favor.

**4. C 170137 ZSM-10 Greene Street** (between Canal and Grand Streets) CPC application for a special permit 74-711 in a M1-5B district to modify the use regulations to allow residential uses on portions of the cellar and ground floor and on the 2nd through 5th floors and proposed 2-story penthouse, and the use regulations of to allow retail uses on the ground floor and portions of the cellar of an existing 5-story building.

### **Whereas**

1. This application is for a Special Permit to allow residential uses (Use Group 2) on portions of the cellar and on the 2d through Penthouse levels, and retail uses on the ground floor and portions of the cellar.
2. The applicant intends to alter the ground floor and existing vertical circulation core and add a one-story (including a mezzanine) penthouse rooftop addition to the existing building.
3. The applicant intends to use the cellar for retail and accessory residential use, the ground floor for retail use, and the upper floors for residential use.
4. To the best of the applicant's knowledge, the building has never had a certificate of occupancy nor has it ever been residential, Joint Live Work Quarters for Artists or been occupied by IMD or rent-stabilized tenants.
5. While this building never housed artists in a JLWQA environment as proffered by the applicant as a reason for approval, this building nevertheless falls into the zone which permits that use as of right as did other buildings that were once solely and only manufacturing uses and now houses JLWQA for artists.
6. 74-711 was added to the Zoning Resolution to promote restoration and preservation of historic district structures at a time when the associated costs could not be justified based on uses allowed under antiquated manufacturing zoning.
7. The special permits granted under 74-711 were successful and the restoration has substantially increased achievable revenue for restored buildings to the extent that 74-711 is itself now antiquated.
8. The loss of new opportunities for JLWQA units is now a threat to the special character of the district as an area that supports a thriving artist community that is of great importance for commerce in the area and vitality of the city as a whole.
9. To achieve balance until the provisions of 74-711 are adapted to the new underlying conditions, CPC should use its power to prescribe conditions and safeguards to enhance the character of the development by limiting the use changes to include only allowance of Use Group 6 on the ground floor.
10. The applicant did not offer to amend the application, upon request of the board, JLWQA uses should be created in the building to fulfill the intent of the zoning and to maintain the character of the neighborhood.
11. CB2 sees no compelling reason that the as of right zoning should not be adhered to and complied with in this project.

**Therefore be it resolved**, that CB2, Man. recommends denial of the application.

Vote: Passed, with 23 Board members in favor, 12 in opposition (S. Aarons, D. Borelli, A. Brandt, R. Chattree, S. Gammie, R. Goldberg, M. Maron, D. Miller, R. Rothstein, R. Sanz, S. Russo, C. Spence), and 1 abstention (K. Berger).

**5. \*55-57 Spring Street** (between Lafayette and Mulberry Streets) Application for a Zoning Text Amendment to change the Area of the Special Little Italy District in which the two buildings are located from Area A to Area A1, which is directly to the east, so that their ground floor commercial uses could cover their entire lots. If the application is approved, a total of approximately 1,750 SF would be added to their ground floors.

### **Whereas**

1. The proposed change serves no public benefit and will be harmful to the Special Little Italy District zoning regulations, and will exacerbate the impacts of intensifying retail uses on residential uses in the area.
  - a. The application is for an amendment to the zoning text, but its effect will be to change the map of Area A1 of the Special Little Italy District to include the subject property. The result of text change would therefore be similar to a spot change of the zoning map.
  - b. The first three purposes of the SLID are as follows:
    - To preserve and strengthen the historic character of the community;
    - To protect the scale of storefronts and character of existing retail uses along Mulberry Street and other shopping streets so that Little Italy will remain a regional shopping area, and thereby strengthen the economic base of the city;
    - To preserve the vitality of street life by reducing conflict between pedestrian and vehicular traffic;
  - c. The proposed change is contrary to all of these stated purposes: it will further a trend toward more intense retail use which is harming the historic neighborhood character in Area A, the “Preservation Area”; it will expand and encourage further expansion of Area A1- the “Mulberry Street Regional Spine”; it will increase and encourage further increase of already problematic sidewalk congestion on Spring Street.
  - d. The application was filed purely for private advantage to be derived from development of a one-story building in the required rear yard.
  - e. As the intensity of retail use has increased in Little Italy, there is significant and growing conflict between residential and retail uses, and expansion of the A1 area would allow for increased intensity of retail use.
  - f. There has been substantial neighborhood concern expressed to CB2, Man. over a period of years about the impact of intensifying retail uses on the special neighborhood historic character, and especially the impact of larger stores and eating and drinking establishments.
  - g. This application would substantially increase the size of the retail stores in the building, thereby increasing the total retail floor area also changing the character of the stores to larger units with potential for more intense use.
  - h. Larger stores are contrary to the current land use needs in the SLID, in particular the need to retain balance of residential and retail uses.
  - i. This specific location is particularly problematic because of its location opposite a heavily used subway entrance and because the subway narrows the congested sidewalk, often forcing pedestrians to use vehicle lanes.
  - j. Neighbors cited long-standing concerns about the increasing intensity of retail uses in the area and expressed concern that expansion of the A1 area would become a precedent for other changes to the SLID encouraging further intensification of retail uses, and the application does not offer

evidence to the contrary. (Indeed, the application text supports the idea that expansion of the A1 area is reasonable because of the increasing retail intensity in the area.)

- k. The applicant also expressed willingness to agree to move air conditioning units to the roof and to not combine the entire ground floor into a single retail unit, but refused to consider limiting retail uses to other than eating and drinking establishments.
  - l. The proposed development in the yard would potentially harm the value of adjacent properties because it would block existing window openings in the buildings facing the yard. While these are property line windows, they appear to be original windows and they are protected by the current zoning. (The subject rear yard also appears to serve as part of a fire escape route for at least one adjacent building, including by a drop ladder and a ground floor door.)
2. The current retail uses in the building are contrary to the allowed uses in the building.
    - a. The building has no Certificate of Occupancy. This would be appropriate for a building that has not implemented use changes, but prior established uses included three ground floor residential units, all of which have been demolished without required DOB filings.
    - b. Two of the residential units were illegally incorporated into retail units without required DOB filings and without required application for a Certificate of Occupancy. The applicant stated the third demolished residential unit is not currently used. The three illegally demolished residential units would be part of the retail stores to be expanded as part of the redevelopment.
    - c. The applicant stated they would file for a Certificate of Occupancy as part of the redevelopment of the ground floor if the application is approved, but did not state why no application has been filed to establish compliance prior to application for a zoning change.
  3. Practices of prior and current owners have caused hardship to tenants including rent-stabilized tenants.
    - a. Statements by current residents and newspaper accounts suggest a history of harassment and other illegal actions by prior owners over a period of years during which most units in the building were destabilized.
    - b. The current owner is seeking eviction of a family residing in a rent-stabilized unit based on a claim that they reside outside New York City. The family appeared at a CB2 public hearing and credibly claimed that they reside in the apartment and their two children attend public schools in the area. The family also stated that their unit was subject to dust from construction in the unit below during an extended period until the building was cited in connection with lead hazards by the NYC Department of Health. The applicant responded to questions about the intended eviction by stating they would drop the lawsuit against the family if CB2, Man. recommended approval of the application.
    - c. There was public testimony indicating other current legal actions and other actions against other tenants in the building, which the applicant agreed to cease if the application is approved.
    - d. The applicant appeared to have an unconcerned attitude regarding statements by tenants regarding prior negative impacts of careless construction practices causing dust conditions, penetrations into occupied units, and even a fire.
    - e. During the public hearings for this application, the applicant failed to provide CB, Man. with sufficient commitments to reduce impacts of construction in the building.
  4. Comments from neighbors were overwhelmingly in opposition to the application.
    - a. The applicant obtained signatures on form letters signed by many tenants suggesting support for the application, but these tenants did not speak at CB2 public hearings or otherwise directly express support for the application.

- b. With one exception, tenants who did speak at the hearings and write letters to the board were opposed to the application.
- c. Tenants of neighboring buildings spoke against the application, including tenants whose windows overlook the rear yard.
- d. A past member of the board of an adjacent co-op building spoke in opposition on behalf of the co-op board.
- e. Several community members spoke and wrote letters opposing amendment of the SLID maps for a private purpose that would intensify retail uses.

**Therefore, it is resolved** that CB2, Man. recommends denial of this application to change the boundaries of Area A1 of the Special Little Italy District.

Vote: Unanimous, with 36 Board members in favor.

**LANDMARKS AND PUBLIC AESTHETICS**

**1. 138-140 W. 11th St.** - Application is to alter the front and rear facades, install a fence, replace windows and doors, reposition a rear porch, raise the roof, and install roof railings and mechanical units.

**Whereas:**

A Two buildings from a matching row were merged some time ago, into one property, and

B The house at 136 West 11<sup>th</sup>, immediately to the east of the subject property is almost totally intact was frequently referenced by the applicant as an example for the restoration; and

C The cornice, which spans the two houses, is to be restored and moved to its original position in line with the adjoining property; and

D The parlor doorway and surround are proposed to remain in the style of the 1920's alteration and are ill defined and appear to recede rather than have the importance of a proper period entryway as seen in the adjacent building; and

E The parlor floor windows are to remain in the style of the 1920's alteration with foreshortened windows and a panel infill above and below and diminishes the sweep of the original windows which occupied the full height of the opening as seen in the adjacent buildings; and

F The areaway and iron work copy the neighbor in the correct style and materials; and

G The proposed shutters, as shown in the rendering, are overwhelming, especially in that they are on every window of two adjacent buildings which is not prevalent in the neighborhood, and the proposal did not present detailed drawings or examples of materials and hardware to ensure that they will be of the correct period and quality appropriate to the building; and

H The restoration of the rear façade and the rebuilding and reconfiguring of the cast iron tea porch and the unusually heavy cornice for a rear façade are improvements; and

I The alterations to the top floor, required safety railing, and repositioning of mechanical equipment are sensitively designed and are very minimally visible from a great distance away across a school playground, now

**Therefore be it resolved:**

That CB2, Man. recommends:

**A Approval of the repositioning of the front cornice, changes in the areaway, iron work, rear façade and tea porch, top floor rear alterations with railing and repositing of mechanical equipment; and**

**B Denial of the proposed entry, and surround and parlor floor windows and recommendation that they be designed with reference to the intact neighboring house in this important row; and**

**C Denial of the front façade shutters unless a detailed design is submitted to LPC staff showing correct, high quality shutters in an appropriate color and high quality hardware and are correct for the period of the house.**

Vote: Unanimous, with 36 Board members in favor.

**2. 541 Broadway** – Application is to install entrance accessibility ramp, and to legalize installation of sidewalk vault diamond plate, rear façade intercom, and rear façade flagpole.

**Whereas:**

A The 14” rise ramp occupies 1/3 of the width of the sidewalk and compromises the intact, symmetrical ground floor façade of an important building typical of the commercial buildings on Broadway; and

B The diamond plate sidewalk covering on Broadway replaces deteriorated vault lights; and

C The flag pole in the Mercer Street façade is typical in size and positioning for the street; and

D The intercom, which the applicant represented could not be installed on wood near the door, but would move from the face to the side of the cast iron columns and would be painted to be less conspicuous, is not overly objectionable; now

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

**A Denial of the ramp that would do great harm to an important intact building that is emblematic of the style and period of the landmarked district with the recommendation that a ramp or ADA access be installed inside the building; and**

**B Approval of the diamond plate sidewalk, the flagpole and the intercom.**

**C Although the Board supports and encourages implementing disabled access, the owner must find another method and location which will not severely compromise the landmark features and beauty of this building, and will not intrude on pedestrian travel on this exceedingly busy sidewalk.**

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

**3. 463 West St.**— Application is to install a new ADA compliant concrete ramp with a curved mid-landing at existing West street passageway to provide accessibility from bottom of concrete existing stair up to existing courtyard.

The perimeter of the ramp landing is changed from flat face to a rounded landing and return; now

**Therefore be it resolved** that CB2, Man. recommends approval of this amendment to a prior application.

Vote: Unanimous, with 36 Board members in favor.

**4. 36 Grove St.** – Application is to install a rooftop addition.

**Whereas:**

A The addition is located 10’-6” at the rear of the building with a sloping roof and a small terrace and carefully designed to be minimally visible; and

B The addition is not visible from Grove Street or from anywhere in the block and it is minimally visible from the east side of 7<sup>th</sup> Avenue at Bleecker Street a great distance away; now

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

Vote: Unanimous, with 36 Board members in favor.

**5. 150 Barrow St.** – Application is to install a new storefront infill, alter a window opening to provide required flood egress; and a rooftop addition.

**Whereas:**

A The building is an individual landmark, one of the few remaining, and is a remarkably intact example of the waterfront hotels of the period and is sited on its own in an area that is not landmarked;  
And

B The building is to be resorted and is to serve again as its original purpose as a hotel; and

C The façades, base, entrance, portico, windows, and cornices are to be restored or replaced in a manner sensitive to the design of the building and will give the appearance of the original building; and

D The storefronts with bulkheads and transoms are designed in a manner in keeping with the building; and

E The hardware for portable flood barriers is deftly concealed in the bulkheads and a recess in the sidewalk covered by metal plates; and

F A rooftop addition, totally without reference to the building and highly intrusive on this individual landmark is in glass, 12’-6” high and set back 18’ on west street and 16’ on Barrow Street and is boldly visible from public thoroughfares and the waterfront park.

G Any visible rooftop addition would do great harm to this remarkable individual landmark.

H There was considerable opposition from the community to the rooftop addition; now

**Therefore now be it resolved** that CB2, Man. recommends:

A Denial of the proposed or any rooftop structure that is visible from any public thoroughfare including the riverside park; and

B Approval of all of the proposed work below the cornice line.

Vote: Unanimous, with 36 Board members in favor.

**6. 33 Greenwich Ave.** – Application is to replace existing glass main entry doors with new wood paneled doors, repaint existing metal framed glass storefront frames, install new rooftop planters, install new retractable awnings and 4 new exterior light fixtures and install new metal canopy above exterior doors.

**Whereas:**

A The applicant proposes the installation of a neon light strip atop the existing storefront which would call undue attention itself; and

B The applicant was unable to identify any use of neon in the district that had been approved by LPC though several instances of neon installed prior to designation are extant; and

C Plants that seem to serve no useful purpose and on top of the addition are proposed; and

D In order to serve a sidewalk café, 4’ retractable awnings to serve as sound barriers are proposed; and

E The extension is to be painted black with new suitable wooden entry doors; now

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

**A Denial of the neon light strip, signage and plantings; and**

**B Approval of the awnings, the painting of the structure, and the entry doors.**

Vote: Unanimous, with 36 Board members in favor.

**7. 100-110 Bleecker St.** - Application is to create an urban farm, and a new north path, both on the Silver Towers (University Village) block.

**Whereas:**

A The farm occupies a space to the south and west of Tower # 1 in an area that was approved by LPC as a temporary urban garden some years ago; and

B The existing fence will be removed and replaced by a 5’ fence similar to existing, approved fences on Bleecker Street in steel with wire grills -a motif inspired from the tower windows; and

C The planting area is terraced, made of wood, and bordered by a four foot wide lawn typical in the complex; and

D A path is to be opened on the north side of tower #2 to connect the open space in front of the building to the Green Street Walk; and

E The surface will be similar in material and module size to other paths in the complex and the fence will copy the existing fence on Bleecker Street; and

F Lighting for the path will be concealed in the base of the tower building; and

G Approval is being sought for the location and design concept with the design to be finalized when the location is available for construction several years hence;

H There was considerable support from those associated with the project and with the university and a representative of the tenants association; now

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

Vote: Unanimous, with 36 Board members in favor.

**8. 242 Lafayette St.** – Application is to replace single double hung windows with 2 double hung windows.

**Whereas:**

A There is extant an original large single pane double hung 2 over 2 window; and

B The applicant, represented by a window manufacturing company, represented that the existing window could only be opened 4”, thus not providing required egress to the fire escape; and

C It was further represented that it was not possible to manufacture windows in either metal or wood that would match the original windows and be operable as required; and

D It was not represented that other manufacturers had been contacted or sought in connection with the design process; and

E The proposed two single pane windows to fill the opening unacceptably compromises the integrity of the building where a remaining original window gives a clear example of the proper window for the building; now

**Therefore be it resolved** that CB2, Man. recommends denial of the application

Vote: Unanimous, with 36 Board members in favor.

**9. \*46 MacDougal St.** - Application is for new storefront infill and doors, windows, rooftop addition, rear façade and cellar extension.

**Whereas:**

A The original ground floor infill is proposed to be replace by paneled wooden doors lacking articulated door frames and with no detailed drawings to describe the paneling, and with clearstory windows above



that references the prior use of the house as a bakery and neighboring buildings that have been similarly altered; and

B The proposed 15' high penthouse, though set back 8' from the front of the house is prominently visible from a number of vantage points, especially those on King Street; and

C The front façade windows are proposed to be replaced by one over one, not the two over two doublehung windows that are suitable to the building; and

D The non-original rear façade which does not give onto a usual doughnut is to be replaced by large windows suitably enframed by masonry; now

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

A Approval of the rear wall and window replacement; and

B Denial of the ground floor infill and the (1 over 1) window replacement in the front façade as presented; and

C Denial of the penthouse unless it is lowered substantially at its street edge and that the front wall is sloped, both to reduce visibility and present a softer look for the part that is visible.

Vote: Unanimous, with 36 Board members in favor.

**10.** Application to install 12 planters on Prince Street between Broadway and Mercer Street

## **LAID OVER**

## **PARKS/ WATERFRONT**

### **Resolution in Support of Interim Park in Duarte Square**

#### **Whereas**

1. Representatives of Trinity Church Real Estate and NYC Parks & Department came before our committee to discuss plans and present designs for an interim renovation of the brick-paved, 13,200 sq. ft. triangle on the north side of Canal at 6<sup>th</sup> Ave.
2. This Parks Dept. space must be renovated by June 30<sup>th</sup> of 2017 and this post-renovation version will be the interim park while Trinity Church Real Estate develops 2 Hudson Square in the adjacent lot.
3. The permanent version of this park has to be in place by June 30, 2021.
4. The cost of this renovation and the ongoing cost of maintenance of it has not been finalized, but it will be completely paid for by Trinity Church Real Estate.
5. The space currently contains a Citibike station and the plan is for this station to remain. Though CB2 is not in favor of Citibike racks being installed in park spaces, we accept this decision to continue to house this station in this interim park.
6. Representatives agreed to look at ways to improve pedestrian safety on the Canal St. side of the renovated park (open space).
7. Representatives agreed to review if the current number of lighting fixtures (6) will be sufficient for the new design.

8. Parks Department agreed to that programming ideas will be proposed to this committee for review and approval and our committee encouraged those responsible for programming to consider ideas that will appeal more to local residents rather than to tourists.

**Therefore be it resolved** that CB2, Man. supports this proposed renovation design and plan for this interim park in Duarte Square.

VOTE: Unanimous, with 38 Board Members in favor.

### **QUALITY OF LIFE**

#### **1. New App. To Department of Consumer Affairs for Newsstand at:**

\*SWC 6<sup>th</sup> Ave. & Waverly Place, in front of 375 6<sup>th</sup> Avenue – **(laid over)**

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

\***Atla Lafayette, LLC, d/b/a N/A, 372 Lafayette Street**, with 13 tables and 38 chairs (635-2017-ASWC)

**Whereas**, no member of the public appeared to speak about the application; and

**Whereas**, the hours of operation would be from 7:00am to 11:00pm Monday through Saturday and 8:00pm to 10:00pm Sunday; and

**Whereas**, the applicant assured the committee that all tables and chairs would be stored inside the restaurant each night; and

**Whereas**, the applicant noted that they have appeared before CB2's SLA committee; and

**Whereas**, the applicant agreed that approval of the application would be conditioned upon receiving Landmarks approval via a proper Landmarks approval process; and

**Whereas**, the applicant assured the committee that they will submit amended plans to reflect planters instead of railing barriers and that those planters would be stored against the façade of the building each evening;

**Therefore be it resolved**, that CB2, Man. recommends approval of the application for a new revocable consent for the sidewalk café for **Atla Lafayette, LLC, d/b/a N/A, 372 Lafayette Street**, with 13 tables and 38 chairs provided the cafe complies with all appropriate laws and regulations.

VOTE: Unanimously, with 38 Board Members in favor.

#### **3. FYI/Renewal Sidewalk Cafes:**

**Whereas**, no members of the public appeared to speak about the application listed below; and

**Whereas**, the committee is unaware of problems associated with the applicant and their sidewalk café;  
now

**Therefore Be It Resolved**, that CB2, Man. recommends approval of the application for renewal of revocable consent for **Upright Holding 547, LLC, d/b/a/ Upright Brew House, 547 Hudson Street**, with 6 tables and 12 chairs (2004070DCA)

VOTE: Unanimously, with 38 Board Members in favor.

#### **4. Street Activities:**

**4/8/17 – Our Lady of Pompeii Church 6th Ave. Festival**, 6th Ave. between West 8th St. and West 14th St.;

**Whereas**, the applicant complied with an FDNY request to move the event last year from 6<sup>th</sup> Avenue between West Houston St. and Waverly Place to its current location on 6<sup>th</sup> Avenue between West 8th Street and West 14<sup>th</sup> Street; and

**Whereas**, members of the committee expressed a strong concern regarding this and any street fairs taking place on an Avenue which serves to disrupt traffic, bus patterns and has the potential to endanger public safety by limiting access from emergency vehicles; and

**Whereas**, the applicant described in detail how this event is one of two primary fund raising efforts that are crucial to the organization; and

**Whereas**, members of the committee acknowledged the many contributions made by the applicant to the community over the years of great benefit, including serving as a cooling center in the summer months and allocating space for senior center operations; and

**Whereas**, the applicant agreed to lay over its second application dated 9/30/17 so that it may consider alternate locations for future events including the possibility of locating the event in closer proximity to the Church itself on Carmine Street between 7<sup>th</sup> Avenue and 6<sup>th</sup> Avenue; and

**Whereas**, the committee felt that denial of the approaching event date of 4/8/17 would have posed undo hardships on the Church.

**Therefore be it resolved** the committee recommends approval of the application 4/8/17 – Our Lady of Pompeii Church 6th Ave. Festival, 6th Ave. between West 8th St. and West 14th St.; and

**Therefore be it further resolved** that the committee requests SAPO consider banning all future street fairs and activities on the Avenues for the safety concerns as outlined above.

Vote: **FAILED**, with **19** Board members in favor (S. Aaron, K. Berger, T. Bergman, K. Bordonaro, A. Brandt, R. Chattree, T. Cude, K. Faccini, J. Gallagher, S. Gammie, S. Kent, E. Ma, M. Maron, L. Racusin, B. Riccoboni, R. Rothstein, S. Secunda, K. Shea, C. Spence, and **19** Board members in opposition (C. Booth, D. Borelli, L. Cannistraci, E. Koler, T. Connor, D. Diether, C. Flynn, J. Geballe, R. Goldberg, S. Greene, D. Gruber, J. Kiely, D. Miller, L. Rackoff, S. Russo, R. Sanz, S. Smith, S. Wittenberg, A. Wong).

**5/19/17 – Village Visiting Neighbors Pop Up Fair**, Charlton St. between Greenwich St. and Hudson St.

**Whereas**, this applicant is well known for its good works within the community and this event has been held successfully at other locations in the past with no known complaints from the community; and

**Whereas**, the applicant now wishes to hold the event on Charlton Street between Greenwich St. and Hudson;

**Therefore be it further resolved** that the committee recommends **approval** of this application.

VOTE: Unanimous, with 38 Board members in favor.

**5/20/17 – 11th Annual Dance Parade Grandstand**, Astor Place Plaza: Astor Place Plaza

**Whereas**, this event has been held previously, with no known complaints from the community; and

**Whereas**, no members of the public appeared to speak about the application;

**Therefore be it resolved** the committee recommends approval of the application **5/20/17 – 11th Annual Dance Parade Grandstand**, Astor Place Plaza: Astor Place Plaza.

VOTE: Unanimous, with 38 Board members in favor.

**5/21/17 (with a rain date of 6/11/17) – Children’s Museum of the Arts Kids Fair**, Charlton St. between Hudson St. and Greenwich St.

**Whereas**, this applicant has held this event at other locations successfully in the past with no known complaints from the community;

**Therefore be it further resolved** that the committee recommends **approval** of this application.

VOTE: Unanimous, with 38 Board members in favor.

**8/26/17 – Woman’s Democratic Astor Place Festival**, Astor Pl. between Broadway and Lafayette St.

**Whereas**, this application was held over from last month to afford committee members to research the activities of the group; and

**Whereas**, other than the self-reported activities of phone banking and voter registration, no other activities of visible benefit to the community were discovered through online search since 2012 or elsewhere;

**Therefore be it resolved** the committee recommends **denial** of the **8/26/17 – Woman’s Democratic Astor Place Festival**, Astor Pl. between Broadway and Lafayette St.

VOTE: Unanimous, with 38 Board members in opposition.

**9/11/17 - 9/24/17 & 9/14/17 – 9/25/17 – 91st Annual Feast of San Gennaro**, 1) Mulberry St. between Canal St. and East Houston St. 2) Grand St. between Mott St. and Centre St. 3) Hester St. between Mott St. and Centre St.;

**Whereas**, the Feast will operate as it has for 90 years; and

**Whereas**, no one appeared in opposition to this event; and

**Whereas**, the sponsors told the committee that more than \$50,000.00 was contributed last year to various charities, schools and churches in the area; and

**Whereas**, CB2, Man. respectfully requests that the official walkthrough be scheduled at a time that CB2's District Manager can attend; and

**Whereas** the sponsors stated that as in previous years, a private sanitation company will be hired for trash removal during the entire feast.

**Therefore be it resolved** that the committee recommends **approval** of this event.

VOTE: Passed, with 31 Board members in favor and 6 in opposition (T. Connor, C. Flynn, R. Goldberg, S. Secunda, C. Spence, A. Wong) with 1 abstention (S. Russo).

**9/16/17 – University Festival with Various Participants, University Pl. between East 8th St. and East 14th St.**

**Whereas** the applicant did not appear;

**Therefore be it resolved** that the committee recommends denial of this application.

VOTE: Unanimous, with 38 Board members in opposition.

**5. Application for Street Permits LAID OVER:**

- 4/29/17 Church of the Village Festival, Greenwich Ave. between West 11<sup>th</sup> Street and West 12<sup>th</sup> St. (laid over).
- 5/26/17 – 9/10/17 Little Italy Pedestrian Mall, Mulberry St. between Canal St. and Broome St. (laid over).
- 6/10/17 – Vegan Street Fair, West 8<sup>th</sup> St. between 5<sup>th</sup> Ave and 6<sup>th</sup> Ave. (laid over)
- STONEWALL Veterans' Village Fair and Expo, University Place between Waverly Pl. and East 14<sup>th</sup> Street (laid over).
- 10/14/17 – Village Crosstown Trolley – Astor Place Festival, Astor Pl. between Broadway and Lafayette St. (laid over).

VOTE: Unanimous, with 38 Board members in favor.

**6. FYI/Renewal Street Activities:**

- **3/25/17 – 12/23/17** – Our Lady of Pompeii Flea Market, Bleecker St. between Carmine St. and Leroy St.
- **5/6/17** – Spring Fling 2017, Grove St. between Bedford St. and Hudson St.
- **5/6/17** – PS 130M Health Fair – Family Day, Hester St. between Baxter St. and Mulberry St.
- **5/6/17** – Cooke Center Street Fair, 60 MacDougal St. between West Houston St. and King St.
- **6/2/17 – 6/4/17** – 2017 World Science Festival Street Science, 1) Washington Sq. So. between MacDougal St. and Washington Sq. East, 2) West 4th St. between Washington Sq. East and Mercer St. 3) Sullivan St. between Washington Sq. So. and West 3rd St. 4) LaGuardia Pl. between Washington Sq. So. and West 3rd St.

- **6/17/17** – Jefferson Area Market/VID co-sponsored Bleecker Street Festival, Bleecker St. between Christopher St. and Bank St.
- **6/25/17** – PrideFest, 1) Hudson St. between Bethune St. and West 14th St., 2) West 12th St. between 8th Ave. and Greenwich St., 3) Gansevoort St. between West 13th St. and Greenwich St.
- **7/8/17** – 15th Annual Arab-American Street Festival, Great Jone St. between Broadway and Lafayette St.
- **7/15/17** – P.A.L Festival, University Place between Waverly Pl. and East 14th St.
- **8/2/17** – End of Summer Celebration, 40 Charlton St. between 6th Ave. and Varick St.
- **9/2/17** – Broadway Village Fair, Broadway between Waverly Pl. and East 14th St.
- **9/23/17** – Greenwich Village Chamber of Commerce Broadway Festival Co-Sponsored Event, Broadway between Waverly Pl. and East 14 St.
- **10/8/17** – Avenues for Justice, Inc. (youth program) 4th Avenue Festival co-sponsored event, 4th Ave. between East 9th St. and East 14th St.
- **10/22/17** – VRDC West 4th St. Festival, 1) West 4th St. between 6th Ave. and MacDougal St. 2) Washington Sq. So. between MacDougal St. and LaGuardia Pl.

VOTE: Unanimous, with 38 Board members in favor.

## **SCHOOLS & EDUCATION**

### **1. Resolution in Support of Phase-In of Foundation Aid Formula**

#### **Whereas:**

1. In his proposed 2017-18 budget, Governor Andrew Cuomo is calling for repeal of New York’s Foundation Aid Formula, the 2007 law responding to the landmark case, [Campaign for Fiscal Equity v. State](#) (CFE);
2. The Formula was carefully designed to deliver funding for the essential resources all New York school children need to achieve the state’s academic standards, including additional resources needed for students in poverty, English language learners and students with disabilities;
3. The Formula was also designed to drive increases in state aid to high need schools across the state, addressing New York’s longstanding disparities between high poverty, low wealth and low poverty, high wealth school districts;
4. In the 2003 CFE ruling, New York’s highest court declared the state’s method of funding schools violated New York City students’ constitutional right to a “sound basic education” and the Court of Appeals sharply criticized the funding system, calling it a “political process” that allocates funds to schools in a way that “does not bear a perceptible relation to the needs of” public school children;
5. In the wake of CFE, the Legislature enacted the Formula to move the state from funding schools based on available dollars and raw politics to year-to-year determinations based on student and school need;
6. The Formula also allocated school aid based on district fiscal capacity to raise local revenue from property taxes;
7. To accomplish this objective, the Formula provided for a four-year phase-in of increases in state aid, or \$5.5 billion statewide, the vast majority targeted to the poorest urban and rural districts;

8. In 2009, the state froze and then subsequently cut Formula aid;
9. Since taking office, Governor Cuomo has staunchly resisted increasing aid to move districts towards full Formula funding;
10. The Formula remains underfunded by \$4.3 billion; and,
11. Under Governor Cuomo's proposed budget for 2017-18:
  - a. The state would no longer owe school districts \$4.3 billion in Foundation Aid,
  - b. The amount of Foundation Aid schools would receive would be locked in at the 2017-18 levels in perpetuity, and
  - c. The current spending gap of \$10,000 per pupil between rich and poor schools in New York State would keep growing larger and larger.

**Therefore be it resolved** that CB2, Man. urges the Governor to commit to a two year phase in of the Foundation Aid Formula to comply with the remaining two years of the Campaign for Fiscal Equity phase-in, which was established after the New York State of Appeals final ruling that ordered the state to stop underfunding schools so that all students have the opportunity to a "sound basic education" and to not limit Foundation Aid that schools will receive to 2017-2018 levels in perpetuity.

VOTE: Unanimous, with 36 Board Members in favor.

## **2. Resolution for Reforming the City Environment Quality Review for Public Schools**

### **Whereas:**

1. All residential construction results in an increased number of families in our community;
2. CB2, Man. welcomes new families, but appreciates that an increase in the number of families requires a corresponding increase in community facilities and social services, such as: schools, parks, police, and medical care;
3. Good public schools add value to our community, ease the burden on employed parents and benefit children for decades;
4. CB2, Man. is concerned about the continuing problem of overcrowding in our local public schools, and unanimously passed resolutions in February 2008 and February 2012 that stressed the need to consider "school capacity and overcrowding as part of our evaluation process for each and every new residential project;"
5. In 2014, New York State passed legislation to require the Department of Education and School Construction Authority to account for population growth in planning new schools and to use more local data when forecasting enrollment projections, citywide, for each community school district and for each community board;
6. The City Environmental Quality Review formulas, which are used by The Department of Education and City Planning, to calculate the impact on school seats caused by new residential development are based on long outdated assumptions that describe a time when families generally chose not to live in Manhattan, and when Greenwich Village, in particular, was known as a neighborhood primarily for singles, who moved away when they married and had children;

7. The CEQR Technical Manual, according to these assumptions, calculates new residential units in the Bronx to yield 0.55 K-8 public school children – and 0.41 in Brooklyn, 0.40 in Queens and 0.30 in Staten Island – but for Manhattan reduces that number to 0.16 children, leading to inadequate planning for school capacity in our community;
8. In accordance with the CEQR Technical Manual, the city only requires that a detailed Environmental Impact Analysis (EIS) of school seats be conducted on residential projects which will add at least 310 units or more, even though it is clear that all new residential construction and conversions (including those of only a few units) have the potential to add children to our schools;
9. The EIS analysis is flawed when it includes 100% of the capacity for a school when some or all of the relevant school zone is outside of the study area for the analysis, as occurred with the rezoning for 550 Washington Street that the city approved in 2016 without any requirement for funding or building additional public school seats;
10. Under the EIS analysis, the formula for calculating the change in utilization is (Students Introduced by the Proposed Project) / (Capacity in the Study Area) = Change in Utilization,<sup>1</sup> and as a result, as the population in the study area expands or more school capacity is built, the threshold for any residential project to impact utilization increases, while the cost to build new school seats continues to rise;
11. The CEQR policy is based on capacity as defined in the Blue Book (officially known as the Enrollment, Capacity, and Utilization Report), which continues to be based on class sizes of 28 students for grades 4-8 and 30 for high school, despite class sizes in the state-mandated Contract for Excellence plan of 23 students per class in grades 4-8 and 25 in high school;
12. The CEQR policy also only counts the number of units and does not calculate the number of bedrooms, especially units with more than one bedroom, which increases the likelihood of more children occupying an apartment; and,
13. Multiple projects that individually do not trigger an EIS-analysis will certainly have a collective impact on the school age population and therefore increase the demand for public school seats.

**Therefore Be It Resolved that CB2, Man.:**

1. Calls upon the Department of City Planning to develop new and better formulas, based upon current demographics, that more accurately represent the percentage of families with school age children that comprise our local population, and considers the number of families who can be expected to move into new residential development;

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<sup>1</sup> Formula Simplified

Utilization with Action – Utilization No Action = % Change in Utilization  
 $[(\text{Future} + \text{Project}) / \text{Capacity}] - [(\text{Future}/\text{Capacity})] = \% \text{ Change in Utilization}$   
 $[(\text{Future} + \text{Project} - \text{Future}) / \text{Capacity}] = \% \text{ Change in Utilization}$   
 $\text{Project} / \text{Capacity} = \% \text{ Change in Utilization}$

Variables

Future = Total Future Enrollment in 2024  
 Project = Students Introduced by the Proposed Project  
 Capacity = Public School Capacity in the Study Area



2. Calls upon the Department of City Planning to institute a policy that would require a school impact study, using local data as required under the 2014 law, on all new residential construction and conversion, regardless of size; and,
3. Urges our elected officials to develop a mechanism that would require developers of all new residential buildings to contribute to a capital fund for public schools, and/or include new school seats within their projects.

VOTE: Unanimous, with 36 Board Members in favor.

## **SLA LICENSING**

### **1. Royal Katsuei, Inc., d/b/a N/A, 357 Ave. of the Americas 10014** (New Restaurant Wine)

**A. Whereas**, the applicant and his representative appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a new Restaurant Wine license to operate a family friendly Sushi Restaurant within a ground floor storefront located in a four-story mixed-use building (Circa 1910) located on Sixth Avenue between West 4<sup>th</sup> and Washington Place in Greenwich Village; and,

**B. Whereas**, the premises was previously operated as a Japanese Sushi Restaurant known as Soto (Kosugi Rest. Group #1186353) with a Restaurant Wine license, the applicant is not planning to make any significant changes to the interior or exterior of the premises, the method of operation being consistent with the prior operation of the storefront premises for eating and drinking with all exterior facades (windows and doors) remaining fixed and not operable and there being a letter of no objection presented permitting such uses and occupancy thereat; and,

**C. Whereas**, the storefront premises is approximately 1,400 Sq. ft., there is a kitchen, two patron bathrooms, one sushi bar with 14 patron seats and 11 tables with 30 patron table seats for a total patron seating capacity at 44, there is no sidewalk café and no other outdoor areas for patrons; and,

**D. Whereas**, the hours of operation will be from 11 AM to 11 PM Sunday through Thursday and from 11 AM to 12 AM Fridays and Saturdays, there will be no TVs, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed except for patron ingress and egress, 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,

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

1. The premises will be advertised and operated as a Japanese Restaurant specializing in Sushi.
2. The hours of operation will be from 11 AM to 11 PM Sunday through Thursday and from 11 AM to 12 AM Fridays and Saturdays.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have no televisions.
5. The premises will not permit dancing.

6. The premises will not operate a backyard garden, sidewalk cafe or any outdoor area for commercial purposes.
7. The premises will play quiet ambient recorded background music only.
8. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The premises will not have French doors, operable windows or open facades and will keep all doors closed except for patron ingress and egress.
10. There will be no pitchers of beer and no all you can eat/drink specials or boozy brunches; and

**F. Whereas**, this application being for the service of Beer and Wine only and thus not subject to the 500 Foot Rule;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the Restaurant Wine application to **Royal Katsuei, Inc., d/b/a N/A, 357 Ave. of the Americas 10014** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the Restaurant Wine License.

Vote: Unanimous, with 36 Board members in favor.

**2. Sushi on Jones, LLC, d/b/a Sushi on Jones, 348 Bowery a/k/a 56 Great Jones Street 10012**  
(Restaurant Wine—previously unlicensed location)

**A. Whereas**, the applicant and a representative of the applicant's attorney appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a new Restaurant Wine license to operate out of a temporary food stand serving sushi and other foods outdoors on an open lot operated since 1954 as a motor vehicle repair shop (Use Group 16) and gasoline station located at the corner of the Bowery and Great Jones Street in the Historic District of NoHo; and

**B. Whereas**, the applicant failed to provide any permits or certificate of occupancy to occupy and use the temporary food stand for eating or drinking uses, the location having never previously been licensed for the sale of liquor, the food stand having 4 counter seats, offering sushi, there also being take-out service windows facing the public sidewalk on Great Jones operated by other vendors selling Italian sandwiches, juices, coffee and tacos, the food stand being only 60 sq. ft., the 4 counter seats being exterior and not within the food stand, the stand being open to the outside, there currently being no bathroom accessible to patrons and there being concerns regarding the service of alcohol to patrons in such an undefined space by multiple vendors operating thereat; and

**C. Whereas**, the applicant seeks to operate with hours of operation Sunday through Saturday from 12 PM to 10 PM every day, there are outdoor speakers installed in open market area playing music with street furniture, sandwich boards, planters and stools placed on the public sidewalk and the open lot areas; and,

**D. Whereas**, the applicant rents the space from the existing property owner by means of a one-year vendor licensing agreement, the exterior premises appearing to be seasonal for the warmer months but have more recently been covered with a temporary plastic enclosure over the winter months for which there appear to be no permits; and.

**E. Whereas,** the NoHo Bowery Stakeholders appeared in opposition to this application, concerned about the outdoor operations in a temporary food market with four different vendors operating thereat, there being furniture and stools being placed on the public sidewalk without permits in place to use the public sidewalk, the temporary facilities being put in place by the owner of the property who is currently seeking to develop the property by erecting a building and who has not sought nor obtained the proper permits for this use; the current certificate of Occupancy is for Use Group 16 type uses which have no provision for eating and drinking uses within that use group; and

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial for **Sushi on Jones, LLC, d/b/a NA, 348 Bowery a/k/a 56 Great Jones Street 10012** on its application seeking a new restaurant wine license; and

**THEREFORE BE IT FURTHER RESOLVED** that should this application be considered by the SLA, CB2, Man. respectfully requests that this item be Calendared to appear before the Full Board of the SLA.

Vote: Unanimous, with 36 Board members in favor.

**3. Pokespot Cleveland Pl., LLC d/b/a The Pokespot, 25 Cleveland Pl. 10012** (New Restaurant Wine)

**A. Whereas,** the applicant and his attorney appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a Restaurant Wine license to operate a new, fast casual, quick service Restaurant specializing in Hawaiian poke bowls with rice, raw fish, seasoning and toppings within a ground floor storefront located in a 4-story mixed-use building (Circa 1900) located on Cleveland Place between Spring and Kenmare Streets directly across from Petrosino Square in Nolita; and,

**B. Whereas,** the storefront premises was previously operated for years as a restaurant and most recently known as HSP Partners LLC -The Cleveland Restaurant (Ser. # 1186353) with a Restaurant Wine license, the applicant is planning to make changes to the layout of the interior premises but plans no significant changes to the exterior premises, there being existing Accordion style doors that are operable and open out to the public sidewalk thereat; and,

**C. Whereas,** the leased storefront premises also includes a 1,300 SF exterior backyard which the prior operator used illegally since 2012 for eating, drinking and live music but which was never permitted and instead was repeatedly disapproved by the NYC Dept. of Buildings, the existing letter of no objection for the storefront premises permitting eating and drinking on the interior first floor only but does not extend to the rear yard or the basement; and

**D. Whereas,** because of the illegal and improper use and occupancy of the rear yard in the past by the prior operator at these premises, there were many complaints registered from those living and having bedroom windows facing the rear yard and disrupted by the noise and misuse of the back yard premises for over two years; and

**E. Whereas,** prior to its presentation with CB2, Man. the applicant reached out to the neighborhood and to those affected and disrupted by the prior operator misuse of the rear yard and by his counsel agreed that eating and drinking in the rear yard was prohibited and agreed that there would be no use or occupancy of the rear yard by Applicant for this purpose; and

**F. Whereas,** the interior storefront premises is approximately 1,850 Sq. ft. (1,000 Sq. ft. first floor and 858 Sq. ft. basement), a full service kitchen, one bathroom, no TVs, an interior stairs to the basement, 3 tables with 6 patron table seats, a window counter facing the front where the accordion doors are located, with 6 additional patron seats and a walk-up service counter with no seats for a total patron seating capacity of 12 seats, there will be no stand up bar, no sidewalk café and no outdoor areas for service to patrons; and,

**G. Whereas,** the hours of operation will be from 11 AM to 12 AM daily from Sunday through Saturday, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed by 9 PM every night and there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees; and,

**H. Whereas,** despite extensive outreach and agreeing to not use the rear yard and to close the exterior doors by 9 PM every night, two people appeared in opposition to the application seeking an agreement by the applicant to never use the rear yard at any time in the future, seeking to prohibit the applicant from using branded take-out containers and to have the applicant keep the accordion doors closed at all times; and

**I. Whereas,** this application being for the service of Beer and Wine only and thus not subject to the 500 Foot Rule; and

**J. Whereas,** the Applicant already operates a similar fast casual restaurant on 4<sup>th</sup> Avenue within CB2, Man. with a Restaurant Wine license and an identical method of operation, there being no known problems or complaints being raised as it relates to the Applicant's other Restaurant within CB2 Man.; and

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

1. The premises will be advertised and operated as a fast casual Hawaiian Restaurant specializing in poke bowl dishes.
2. The hours of operation will be from 11 AM to 12 AM daily Sunday through Saturday.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have no televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden, sidewalk café or any outdoor area for commercial purposes.
7. The premises will play quiet ambient recorded background music only.
8. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The existing accordion doors facing the public sidewalk will be closed by 9 PM every night.
10. There will be no pitchers of beer.
11. There will be no all you eat/drink specials.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the Restaurant Wine application to **Pokespot Cleveland Pl., LLC d/b/a The Pokespot, 25 Cleveland Pl. 10012** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” on the Restaurant Wine License.

Vote: Unanimous, with 36 Board members in favor.

**4. PL Restaurant, LLC, d/b/a Coco Pazzo, 160 Prince St., 10012** (New Restaurant OP)

**A. Whereas**, the applicant and the applicant’s attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a new on premise liquor license to operate a full service Italian Restaurant in a corner storefront premises of a six-story residential (Circa 1924) building at Prince Street and Thompson Street in the SoHo section of Manhattan; and

**B. Whereas**, the interior 1,349 sq. ft. corner storefront premises has been vacate and not occupied for any use or purpose since January/2014, having previously been occupied and operated as Milady’s, an old fashioned Bar with pool table and limited menu, albeit located within a Residential Zoned District (R7-2) as this particular storefront premises operated with a “grandfathered” non-conforming status for commercial purposes predating the promulgation of zoning regulations in 1964; and

**C. Whereas**, pursuant to Article 5, Chapter 2, Section 52-61 (General Provisions) of the New York City Zoning Regulations, a building with a non-conforming use that is vacant for a continuous period of two years is deemed discontinued, loses the benefit of its grandfathered non-conforming status and shall thereafter revert back to and can only be used in the future for a conforming use, which in this case the conforming use is zoned for residential and not commercial uses; and

**D. Whereas**, Section 52-60 of the same Zoning Regulations further states as follows: “If, for a continuous period of two years, either the non-conforming use of land with minor improvements is discontinued, or the active operation substantially all the non-conforming uses in any building or other structure is discontinued, such land or building or other structure shall thereafter be used only for a conforming use” and “intent to resume active operations shall not affect the foregoing”; and

**E. Whereas**, the applicant presented a Zoning Resolution Determination Form marked “Approved” from Kellie Lewis, Senior Zoning Specialist at the NYC Dept. of Buildings, dated September 2, 2016 which purports to demonstrated that the Milady’s storefront was one of five commercial storefronts within the same building with non-conforming uses, representing 51% of the total non-conforming spaces within the same building and not “substantially all” of the non-conforming uses in the building as stated in Article 5, Chapter 2, Section 52-61 (General Provisions) of the New York City Zoning Regulations; and

**F. Whereas**, the Determination Form as presented presumed there was only one building encompassing the five storefronts, but there are actually two buildings built on a single lot (160-162 Prince and 164-166 Prince aka 118-120 Thompson) with two separate entrances/addresses on two separate streets (Prince and Thompson), the Milady’s space being “substantially all” of the non-conforming use and occupancy at 160-162 Prince Street, causing the Community who appeared in opposition to this application to seriously question the underlying factual support for the “Determination”, facts which were presented to the NYC Dept. of Buildings in a self-certifying format from the applicant’s architect and which may not have been completely correct and valid for this purpose; and

**H. Whereas,** the applicant plans to renovate the interior space and install a new kitchen in the rear of the premises and provided drawings providing a layout of the proposed kitchen, the ancillary mechanical systems will be vented to the rooftop with existing venting and all proper filings for this purpose will be filed with the NYC Dept. of Buildings, an interior staircase will be built so that access to their storage facilities in the basement will not require employees to exit the premises and use hatches located on the public sidewalk along Prince Street to gain access to the those 600 Sq. ft. cellar facilities for this purpose; and

**I. Whereas,** there are existing windows running along the Prince Street façade which the applicant could not state affirmatively as to whether such windows were operable, the windows having never been opened in the past by the prior establishment Malady's, there being neighbors who appeared and opposed the instant application, with the applicant recognizing such opposition and agreeing not to alter those windows to make them operable and to keeping them closed at all times; and

**J. Whereas,** the applicant is a well-known restaurateur who seeks to open a community driven food and beverage establishment focusing on classic Italian cuisine with 19 tables with 52 seats, one stand up bar (located in the rear near the kitchen) with 10 seats for a total patron seating capacity of 62, there being 2 bathrooms and 1 TV at the bar in their plans; and,

**K. Whereas,** the hours of operation will be 11 AM to 12 AM daily Sunday through Saturday, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), no promoted events, no scheduled performances or cover fees; and,

**L. Whereas,** CB2 Man. received opposition and neighbors appeared in opposition to this application, that opposition being mostly opposed to the significant numbers of liquor licenses within the surrounding area and community, the narrowness of the street, asserting that there were no permits in place to operate a non-conforming eating and drinking establishment in a residentially zoned area with the previously grandfathered status permanently forfeited; and,

**M. Whereas,** other members of the neighborhood also appeared in support of the instant application citing the applicant's significant experience as a restaurateur, the proposed method of operation being for a fine dining establishment and not as a bar or other late night, trendy establishment with open facades creating a significant negative impact in their residentially zoned neighborhood; and,

**N. Whereas,** based on the applicant's proposed method of operation and hours of operation consistent with a full service restaurant specializing in Italian food, seeking to serve the local neighborhood while also not establishing a significant impact on the existing neighborhood by maintaining a fixed front façade containing noise therein, the public interest will be served despite there being there already being 22 liquor licenses within a 500 foot radius of these premises, 33 liquor licenses within 750 feet of the premises and 12 beer and wine licenses, many of which have only recently been added in the area; and,

**O. Whereas,** the applicant executed a stipulations agreement with CB2, Man. that will be submitted to the SLA and the applicant agreed those stipulations would be attached and incorporated into the method of operation as a part of the restaurant on premise license stating that:

1. The premises will be advertised and operated as a full service Italian Restaurant.
2. Applicant will obtain a letter of no objection or certificate of occupancy permitting eating and drinking at the premises prior to issuance of license.
3. The hours of operation will be Sunday through Saturday from 10 AM to 12 AM.

4. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
5. The premises will not one television.
6. The premises will not permit dancing.
7. The premises will not operate a backyard garden, sidewalk cafe or any outdoor area for commercial purposes.
8. The premises will play quiet ambient recorded background music only.
9. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
10. There will not be any French doors or windows installed to the front façade and all existing doors and windows will be closed at all times except for patron egress.
11. There will be no all you can eat/all you drink special or boozy brunches.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant On Premises Liquor License for **PL Restaurant, LLC, d/b/a Coco Pazzo, 160 Prince St., 10012** **unless** the statements the applicant has presented are accurate and complete, that those conditions and stipulations agreed to by the applicant above are incorporated into the "Method of Operation" on the SLA On Premise License and *provided that premises is in fact entitled to operate as an eating and drinking establishment at this location.*

Vote: Unanimous, with 36 Board members in favor.

**5. Morars, LLC, d/b/a Misirizzi, 36 E. 4<sup>th</sup> St. 10003** (Upgrade—On Premise License).

**A. Whereas**, the applicant appeared before CB2's SLA Licensing committee to present an application for an upgrade from Restaurant Wine to a new On Premise license for an existing small Italian Restaurant in a mixed-use five-story building (Circa 1910) on East 4<sup>th</sup> Street between Bowery and Lafayette Streets in the NoHo historic district section of Manhattan; and,

**B. Whereas**, the applicant and operator has only been operating its restaurant out of this storefront location since June/2016 (8 months), this location having previously operated with a Restaurant Wine license but never previously with an on premise license, there being a letter of no objection permitting eating and drinking at this location presented; and,

**C. Whereas**, the interior premises is 940 Sq. ft., with 470 Sq. ft. on the ground floor and 470 Sq. ft. in the basement (basement for storage purposes only and no patrons), 9 tables with 20 seats, one bar with 9 seats, for a total number of interior patron seats at 29, there being one bathroom, no sidewalk café and no outdoor areas for service to patrons; and,

**D. Whereas**, the hours of operation will continue to be from 12 PM to 11 PM Sunday through Thursday and from 12 PM to 12 AM Fridays and Saturdays, there are no TVs, music is quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there are French doors at the front façade but the operator closes the doors by 10 PM every evening, there are no d.j.'s, no promoted events, no private parties, no scheduled performances or cover fees; and,

**E. Whereas**, the applicant did perform some outreach in the area, there being a petition with 10 signatures presented but that petition did not acknowledge that the applicant already was operating with a Restaurant Wine and few signatures were from the immediate area, there being no one from the neighborhood appearing in support of this application; and,

**F. Whereas,** a representative from the NoHo Bowery Stakeholders was present and was opposed to adding another on premise license being added to this street and area, there being two late-night bars (B Bar and Swift Hibernian Lounge) closing at 4AM on either side of the storefront premises, there being three licensed premises within the same building as applicant and there being no history of an on premise license at this storefront in the past; and,

**G. Whereas,** this application being subject to the 500 ft. rule requiring the applicant to demonstrate a recognizable public interest for adding yet another on premise liquor license in an area that is already greatly saturated with licensed establishments, the existing business not being unique to the area, the applicant providing no coherent reason why the very small restaurant needed an on premise license other than that to increase revenues, the applicant only being at the location for only eight months, the applicant thus failing to demonstrate a recognizable public interest, there being many existing eating and drinking establishments in the immediate area and within lower Manhattan like this one, an area already greatly saturated with licensed eating drinking establishments, there being 17 existing on premise licenses within 500 ft. of the subject premises and 37 existing on premise licenses within 750 ft. of the subject premises, an additional 6 licenses pending with the NYS Liquor Authority in this same area without even including the vast numbers of other establishments in the area holding beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial for **Morars, LLC, d/b/a Misirizzi, 36 E. 4<sup>th</sup> St. 10003** on its application seeking a new OP license; and

**THEREFORE BE IT FURTHER RESOLVED** that should this application be considered by the SLA, CB2, Man. respectfully requests that this item be Calendared to appear before the Full Board of the SLA; and

**THEREFORE BE IT FURTHER RESOLVED** that if this application is considered by the SLA, despite CB2, Manhattan's recommendation to deny this application, CB, Man.2 requests that the SLA conduct a 500 foot hearing because the premises and rear yard extension thereat has never been licensed for the service of alcohol at any point in the past.

Vote: Unanimous, with 36 Board in favor.

**6. Corp to be formed by Michael Callahan, d/b/a TBD, 428 Lafayette St. Ground Fl. 10003**  
(New Restaurant OP)

**A. Whereas,** the applicant and applicant's attorney appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for an on premise liquor license to operate a full service restaurant on the first floor of a 5-story commercial/mixed-use Landmarked building (Circa 1831) located on Lafayette Street between E. 4<sup>th</sup> Street and Astor Place across from the Public Theater in the NoHo historic district section of Manhattan; and

**B. Whereas,** the premises was previously operated as the ground floor restaurant portion of Tango House and Colonnades Restaurant and was previously licensed for the service of alcohol with a similar method of operation as a full service Argentinian restaurant, but is now vacant; and

**C. Whereas,** the certificate of occupancy for this address permits a theater in the cellar and a letter of no objection was presented from the NYC Dept. of Buildings which permits an eating and drinking establishment on the first floor despite the certificate of occupancy indicating use group 6 offices, but neither the first floor and cellar are designated nor permitted to operate together and in combination with



each other, and so the applicant is bringing two separate liquor license applications for each space, albeit simultaneously and there will be no patron access from the restaurant on the first floor to the basement where a theater will be located (MHJ Management LLC); and

**D. Whereas,** this particular application is for the 2,800 sq. ft. first floor and a full service restaurant with a full service kitchen is proposed, serving “New York style cuisine in a warm and convivial atmosphere with reasonably priced specialties” “featuring the original cuisine of Chef Kenneth Addington”, with 17 tables with 48 seats, one bar with 8 seats, there will be no sidewalk café, there are no other outdoor areas for patrons and no doors or windows or doors that open out to the public sidewalk from the interior of the establishment; and,

**E. Whereas,** the applicant seeks hours of operation on Sunday through Wednesday from 8 AM to 1 AM and from 8 AM 2 AM Thursday through Saturday, music in the restaurant 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 TVs and all doors and windows will be closed at all times except for patron ingress and egress;

**F. Whereas,** the applicant executed a stipulations agreement with CB2, Man. that will be submitted to the SLA and the applicant agreed those stipulations would be attached and incorporated into the method of operation as a part of the restaurant on premise license stating that:

1. The premises will be advertised and operated as a full service Restaurant.
2. The hours of operation will be Sunday through Wednesday from 8 AM to 1 AM and from 8 AM to 2 AM Thursday through Saturday.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have any televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden, sidewalk cafe or any outdoor area for commercial purposes.
7. The premises will play quiet ambient recorded background music only.
8. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. Doors and windows will remain fixed and closed at all times except for patron egress.
10. There will be no all you can eat/all you drink special or boozy brunches.
11. There will be no patron access from restaurant to basement where a theater will be located; and,

**G. Whereas,** this application being subject to the 500 ft. rule requiring the applicant to demonstrate a recognizable public interest, there being 16 existing licensed premises within 750 feet of the proposed premises, with 2 additional pending licenses, 10 existing liquor licenses within 500 feet of the proposed premises and unknown number of beer and wine licenses; and

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of a new Restaurant On Premises Liquor License for a **Corp to be formed by Michael Callahan, d/b/a TBD, 428 Lafayette St. Ground Fl. 10003** unless the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant above are incorporated into the “Method of Operation” on the SLA On Premise License.

Vote: Unanimous, with 36 Board members in favor.

**7. MHJ Management, LLC, d/b/a TBD, 428 Lafayette Street, 10003** (New OP license for basement theater)

**A. Whereas,** the applicant and applicant's attorney appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for an on premise liquor license to operate a theater and live music venue in the cellar level of a 5 story commercial/ mixed use landmarked building (Circa 1831) located on Lafayette Street between E. 4<sup>th</sup> Street and Astor Place across from the Public Theater in the NoHo historic district section of Manhattan; and

**B. Whereas,** the premises was previously operated as the basement portion of the Tango House Theater and was previously licensed for the service of alcohol, the theater basement premises closing no later than 2 AM during the week and 2:30 AM on the weekends, but is now vacant; and

**C. Whereas,** the certificate of occupancy for this address permits a theater (use group 8) in the cellar and a letter of no objection from the NYC Dept. of Buildings exists which permits an eating and drinking establishment on the first floor which the certificate of occupancy designates as use group 6 offices, but neither the first floor and cellar are designated nor permitted to operate together and in combination with each other, and so the applicant is bringing two separate liquor license applications for each separate space, albeit simultaneously and there will be no patron access from the first floor restaurant to the basement where the theater is located; and,

**D. Whereas,** this application is for a 3,300 sq. ft. cellar level space (and 330 Sq. ft. sub-cellar) offering a theater and live music venue, with 7 tables with 36 seats which are fixed, one bar with 12 seats, one service bar in the theatre, and three separate configurations for the theatre space which includes option 1 with 70 patron seats in the theatre, option 2 with 40 patron seats and a standee area behind the seating, and option 3 with no patron seating in an open configuration for standees only, at no time under any option will total occupancy exceed 120 persons including employees, there is no sidewalk café, there are no other outdoor areas for patrons and no doors or windows that open out to the public sidewalk from the interior of the establishment; and,

**E. Whereas,** the applicant seeks hours of operation on Sunday through Wednesday from 11AM to 2 AM and Thursday through Saturday from 10 AM to 3 AM, music in the cellar theater/music venue will be live music, DJ and entertainment levels, with amplified sound, but there will be no TVs, all DJ use will be incidental to live theater and live music events, there will be no nights with DJs only, and all doors and windows will be closed at all times except for patron ingress and egress; and,

**F. Whereas,** the applicant submitted with the application and intends to execute a security plan that includes one guard in the Cellar Theater area Sunday through Wednesday and three guards Thursday through Saturday, as well as an extensive soundproofing plan to minimize transmission of noise to neighbors; and

**G. Whereas,** the applicant executed a stipulations agreement with CB2, Man. that will be submitted to the SLA and the applicant agreed those stipulations would be attached and incorporated into the method of operation as a part of the on premise license stating that:

1. The premises will be advertised and operated as a legitimate theater and live music venue.
2. The hours of operation will be Sunday through Wednesday from 10 AM to 2 AM and from 10 AM to 3 AM Thursday through Saturday.

3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have any televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden, sidewalk cafe or any outdoor area for commercial purposes.
7. The premises will not operate as nightclub, any DJ use will be incremental to live theater and live music events and there will be no nights DJ music only.
8. Doors and windows will remain fixed and closed at all times except for patron egress.
9. There will be no barriers or ropes on the public sidewalk.
10. Occupancy will never exceed 120 persons including staff.
11. There will be no patron access from restaurant above to basement where the theater will be located; and,

**H.** **Whereas**, this application being subject to the 500 ft. rule requiring the applicant to demonstrate a recognizable public interest, there being 16 existing licensed premises within 750 feet of the proposed premises, with 2 additional pending licenses, 10 existing liquor licenses within 500 feet of the proposed premises and unknown number of beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant On Premises Liquor License for **MHJ Management, LLC, d/b/a TBD, 428 Lafayette Street, 10003 (Cellar) unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant above are incorporated into the “Method of Operation” on the SLA On Premise License.

Vote: Unanimous, with 36 Board members in favor.

**8. Marie Adrienne, LLC, d/b/a The Ship, 158 Lafayette St. (Transfer of Existing OP license)**

**A.** **Whereas**, the applicant appeared before CB2, Manhattan’s SLA Licensing Committee seeking a transfer of an existing on premise license held by Seconds, LLC d/b/a The Ship (Ser.# 1267432) located within a 2,730 sq. ft. storefront premises (980 sq. ft. ground floor and 1,750 sq. ft. basement) in a five-story commercial use building (Circa 1940) on Lafayette Street between Grand and Howard Streets in the Nolita section of Manhattan; and,

**B.** **Whereas**, the storefront premises has been operating since 2013 as a high end cocktail lounge with true background music and the applicant, who resides in the neighborhood, intends to continue to operate the premises with an identical method of operation, there is a certificate of occupancy for the premises permitting retail eating and drinking (use group 6) in the ground floor and cellar levels with no dancing, maximum occupancy of 73 permitted over the two floors; and,

**C.** **Whereas**, the hours of operation will be continue to be from 5 PM to 1 AM Sunday through Thursday and from 6 PM to 3 AM Fridays and Saturdays, with 13 tables and 56 seats and one bar with 7 seats for a total patron occupancy of 63, three bathrooms, one entrance and three exits, there will be no TVs, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed except for patron ingress and egress, 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,

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

1. The premises will be advertised and operated as a high-end cocktail lounge with background music.
2. The hours of operation will be from 5 PM to 1 AM Sunday through Thursday and from 6 PM to 3 AM Fridays and Saturdays.
3. The premises will not operate as a sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have no televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden, sidewalk cafe or any outdoor area for commercial purposes.
7. The premises will play quiet ambient, recorded background music only.
8. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. There will be no ropes or moveable barriers on the public sidewalk.
10. The premises will not have French doors, operable windows or open facades and will keep all doors closed except for patron ingress and egress.

**E. Whereas**, this application being subject to the 500 ft. rule requiring the applicant to demonstrate a recognizable public interest, there being 34 existing licensed premises within 750 feet of the proposed premises, with 2 additional pending licenses, 12 existing liquor licenses within 500 feet of the proposed premises and unknown number of beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the On Premise transfer application to **Marie Adrienne, LLC, d/b/a The Ship, 158 Lafayette St. (Transfer of Existing OP license) unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the On Premise License.

Vote: Unanimous, with 36 Board members in favor.

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

**9. San Roku, LLC, d/b/a Raku, 48 MacDougal St. 10012 (Withdrawn).**

**A. Whereas**, the applicant appeared before CB2's SLA Licensing committee to present an application for a new On Premise license to operate a Japanese style Noodle House on MacDougal Street between Prince and West Houston Streets in a mixed use three story building (Circa 1899) within a Historic District in SoHo; and

**B. Whereas**, after consideration before CB2, Man., the applicant decided to withdraw this application for an On Premise license from consideration at these premises and will resubmit a new 30 day notice to CB2, Man seeking a Restaurant Wine license for the purpose of reappearing before CB2 Man. in March/2017 for this purpose;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **San Roku, LLC, d/b/a Raku, 48 MacDougal St. 10012** **until** the Applicant has properly presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

**10. Esterina Sorbillo, LLC, d/b/a Zia Esterina Sorbillo Mulberry, 112 Mulberry St. 10013** (RW – Takeout Pizzeria) (laid over)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on February 7, 2017, the Applicant and/or its Attorney requested **to lay over** its application and presentation before CB2 Man. until March/2017;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Esterina Sorbillo, LLC, d/b/a Zia Esterina Sorbillo Mulberry, 112 Mulberry St. 10013** **until** the Applicant has properly presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

**11. SoHo Grand Hotel, Inc., d/b/a SoHo Grand Hotel, 310 West Broadway 10013** (OP – Hotel Restaurant Bar “Gilligans”)(OP- Lay over requested)

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on February 7, 2017, the Applicant requested to lay over this application for an on premise license to February 7, 2017;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **SoHo Grand Hotel, Inc., d/b/a SoHo Grand Hotel, 310 West Broadway 10013** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

**12. 3 Howard, LLC, d/b/a N/A, 3 Howard St. 10013** (OP- Withdrawn)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on February 7, 2017, the Applicant requested to **withdraw** this application from further consideration;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **3 Howard, LLC, d/b/a N/A, 3 Howard St. 10013** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

**13. Gino Sorbillo, LLC, d/b/a Gino Sorbillo Bowery, 334 Bowery 10012** (OP – Pizzeria Restaurant) (laid over)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on February 7, 2017, the Applicant requested to lay over this application for an on premise license to March/2017;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Gino Sorbillo, LLC, d/b/a Gino Sorbillo Bowery, 334 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 36 Board members in favor.

**14. Corp. to be formed by Sanjay Laforest d/b/a TBD, 206 Spring St. 10012** (OP-Restaurant) (laid over)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on February 7, 2017, the Applicant requested to lay over this application for an on premise license to March/2017;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Corp. to be formed by Sanjay Laforest d/b/a TBD, 206 Spring St. 10012** (OP-Restaurant) **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

**15. Dinerland Comedy, LLC, d/b/a Comedy Village, 145 Bleecker St. 10012** (OP – Comedy Club) (withdrawn)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on February 7, 2017, the Applicant requested to withdraw this application from further consideration;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Dinerland Comedy, LLC, d/b/a Comedy Village, 145 Bleecker St. 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

**16. Maneken Corp., d/b/a Oscar's Place (previously d/b/a Petite Abeille), 466 Hudson St. 10014**  
(RW Corp Change SN#1029434)

**i. Whereas**, the applicant appeared before Community Board 2, Manhattan's SLA Licensing Committee to present an application for a corporate change for an existing restaurant wine license for a modern European Restaurant; Neil Smith and Crescencio Huero will replace Yves Jadot as Principals; and,

**ii. Whereas**, this application is for a corporate change of an existing Beer and Wine license SN#1029434 located in a mixed-use building located on Hudson St. between Barrow St. and Grove St. in a currently licensed location for a 800 sq. ft. premise with 8 tables with 16 seats, no standup bars, 1 service bar, 12 seats in a Department of Consumer Affairs licensed sidewalk café, there are no other outdoor areas and there is an existing Certificate of Occupancy; and,

**iii. Whereas**, the hours of operation will be Monday through Friday from 7:30am to 11pm and Saturday and Sunday from 9am to 11pm (all patrons will be cleared and no patrons will remain after stated closing times), music will be quiet background only consisting of recorded 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, no T.V.'s; and,

**iv. Whereas**, the new principals executed a stipulations agreement with CB2, Man. that they have agreed to submit to the SLA and agreed would be attached and incorporated in to the existing method of operation on the existing Restaurant Wine License stating that:

1. The premises will be advertised and operated as a full service restaurant, specifically a "modern European restaurant".
2. The hours of operation will be Monday through Friday from 7:30am to 11pm and Saturday and Sunday from 9am to 11pm. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a "lounge", tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including licensed sidewalk café).
7. The premises will operate a sidewalk café no later than 11 PM (all tables and chairs will be removed at 11 PM).
8. The premises will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at anytime.

9. The premises will close all doors and windows at 10PM every night and anytime there is amplified music. Doors will not be propped open after those hours.
10. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
11. There will be no Boozy Brunches.
12. There will be no "A frames" obstructing the sidewalk.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a corporate change for the existing restaurant wine license SN#1029434 for **Maneken Corp., d/b/a Oscar's Place (previously d/b/a Petite Abeille), 466 Hudson St. 10014** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant above are incorporated into the "Method of Operation" on the SLA restaurant wine license.

Vote: Unanimous, with 36 Board members in favor.

**17. Emmy Squared Bedford, LLC d/b/a Emmy Squared (previously H. Greenstone on behalf of an entity to be determined), 31-33 Bedford 10014** (New OP – Restaurant)

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan's SLA Licensing Committee to present an application to the Liquor Authority for a restaurant on-premise liquor license for the second location of Emmy Squared which specializes in Detroit-style pizza; it will be a neighborhood restaurant meant to be both casual and professional with an emphasis on a relaxed dining experience paired with high level, warm service; and,

**ii. Whereas**, this application is for a new restaurant on-premise liquor license at a previously licensed location in a mixed-use commercial building on the Northwest corner of Bedford St. and Downing St. for a roughly 1,800 sq. ft. premise (ground floor 600 sq. ft. cellar 1,200 sq. ft.); on the first floor there are 12 tables and 24 table seats, 1 standup bar with 8 seats, in the basement there is a kitchen, a dining room with 8 tables and 29 seats and a separate room with 1 table and 8 seats for a grand total of 69 seats; the applicant stated the maximum occupancy would be less than 75 people on both floors; the applicant presented a Certificate of Occupancy #104056940F issued July 21, 2014 which indicates is for the 1<sup>st</sup> floor only however this is not valid for this premises— *a letter of no objection must be obtained showing allowable use of eating and drinking for both the ground floor and basement (not just the ground floor) issued to this Applicant*; (upon further investigation by CB2 it was determined that the Certificate of Occupancy #104056940F due to a very unique circumstance resulting from the enlargement of a non-conforming use of a restaurant into a previous apartment on the ground floor is only valid for the area occupied in the building by another licensed premises "Mas" Restaurant/Little Barque, LLC SN1146967 as a result of a Board of Standards and Appeals Variance covered under decision [99-05-BZ](#)); and,

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

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



1. Premise will be advertised and operated as a full service restaurant focusing on Detroit style pizza operating as a neighborhood restaurant, casual and professional high level warm service.
2. The hours of operation will be from 11AM to 12AM Sunday to Thursday and 11AM to 1AM Friday and Saturday. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises, or any portion of the premises will not operate as a “lounge”, tavern or sports bar.
4. The premise will not have televisions.
5. The premises will not permit dancing and will never seek a NYC DCA Cabaret License.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes.
7. There will be no sidewalk café per zoning regulations.
8. The premises will play quiet ambient-recorded background music only. All music levels and volumes will at all times comply with all New York City Laws and Regulations and will not be audible in adjacent residences at anytime.
9. The premises will not have DJ’s, live music, cover charges or promoted events.
10. The premises will close all doors and windows at all times. There will be no French doors, operable windows or open facades.
11. Windows will be inoperable and remained closed at all times without exception.
12. Doors will remain closed at all times except for patron ingress and egress.
13. Premises will provide a letter of no objection indicating eating and drinking and patron use on **both** the ground floor and basement level.
14. There will be no outdoor benches.
15. There will be active management of the exterior of the restaurant to minimize patron noise and noise impacting quality of life to neighbors.
16. There will be no boozy brunches or unlimited drink or all you can eat and drink specials.

**v. Whereas**, a petition in support was presented and the applicant reached out to the local block association, the Bedford Downing Block Association; a number of individuals residing near their Brooklyn operation submitted letters and spoke highly of the Applicant and their character and background in the restaurant industry and several letters in support were received; and,

**vi. Whereas**, a mix of correspondence was received and a number of local residents wrote and/or appeared with concerns or opposition; the Block Association and local residents living immediately adjacent to the premises expressed strong feelings that the “Applicant must agree to seal all windows, maintain a 24/7 closed door & window policy, enforce the proposed closing times (midnight on weeknights, 1:00 a.m. Saturday & Sunday), be personally accessible for noise complaints, and actively control patron noise outside the restaurant”; one resident wrote adamantly in opposition citing the fact that the premises is in a residential zoned district and that the grandfathered use allowable in the space on the ground floor and basement is only intended to serve the immediate neighborhood and not intended to be a destination restaurant location as evidence by the lower price points and higher turnover necessary to operate this business, he further stated that the grandfathered commercial spaces in immediate area originally serviced hyper local residents and that the progression to transforming those grandfathered spaces into destination licensed eating and drinking locations was slowly destroying the neighborhood and having a tremendous impact on quality of life issues; and,

**vii. Whereas**, CB2, Man. has a number of concerns regarding this premises and the potential for quality of life impacts but they have been somewhat assuaged by the agreement to monitor the exterior of the premises and take an active engagement in monitoring those areas for impacts on quality of life whether noise or traffic related and on the agreement to have all windows and doors remain closed at all times; any sound intrusion from the interior of any business to the exterior in residentially zoned areas creates a significant impact; and,

**viii. Whereas**, there are currently 25 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of a new Restaurant On-Premise Liquor License for **Emmy Squared Bedford, LLC d/b/a Emmy Squared (previously H. Greenstone on behalf of an entity to be determined), 31-33 Bedford 10014** unless the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On-premise Liquor License.

Vote: Unanimous, with 36 Board members in favor.

**18. The Mess 13, LLC, d/b/a The Mess, 22 East 13th St. 10003 (New OP – Restaurant)**

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee for a second time after having first appeared in January/2017 to present an application to the Liquor Authority for a restaurant on-premise liquor license for a fine dining restaurant; the applicants also own and operate a number of other establishments, several of which are located in CB2; and,

**ii. Whereas**, this application is for a new restaurant on-premise liquor license at a previously licensed location located between Fifth Avenue and University Place in a mixeduse building on the ground and second floor for an approximately 3,800 sq. ft. premise with customer operations on the ground floor of 550 square feet and the second floor of 1,000 square feet, there will be 32 tables and 86 table seats, 2 stand up bars with 10 seats for a total of 96 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 will be 2 tables and 4 seats located on the front terrace which is within the property line; and,

**iii. Whereas**, the hours of operation will be Sunday to Tuesday from 11AM to 12:30AM, Wednesday to Thursday from 11AM to 1AM and Friday to Saturday from 11AM to 2AM (no patrons will remain after closing time), music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 9PM as stipulated except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, no live music, no jukebox, no tv’s, the sound system will be a “simple restaurant system”, there will be no security personnel, there may be private parties; and,

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

1. Premise will be advertised and operated as a fine dining restaurant.
2. The hours of operation will be Sunday to Tuesday from 11AM to 12:30AM, Wednesday to Thursday from 11AM to 1AM and Friday to Saturday from 11AM to 2AM. All patrons will be cleared and no patrons will remain after stated closing times. On Sundays where a national holiday falls on Monday, the closing hour will be 2AM.
3. The premises will operate a full service fine dining restaurant with the kitchen open and full menu items available until closing every night.
4. The premises, or any portion of the premises will not operate as a “lounge”, tavern or sports bar.
5. The premise will not have televisions.

6. The premises will not permit dancing and will never seek a NYC DCA Cabaret License.
7. The premises will not operate a backyard garden or any outdoor area for commercial purposes except for a small area in front of the premises.
8. The small outdoor space in front of the premises will have no more than 2 tables and 4 seats, comply with all NYC Sidewalk café regulations while operating (even though on private property) and will cease all operation at 10pm. No patrons, tables or chairs will remain in the front outdoor space after 10pm.
9. The premises will play quiet ambient-recorded background music only on the interior. All music levels and volumes will at all times comply with all New York City Laws and Regulations and will not be audible in adjacent residences at anytime. Licensee will use best efforts to soundproof the premises to ensure noise does not emanate in any direction in violation of the NYC Noise Code.
10. The Operator shall hire a certified acoustical consultant to make recommendations such that any exterior mechanical equipment installed and/or operated by the Operator will meet or exceed the current NYC Noise Code guidelines for residential areas. The Operator shall use its best efforts to soundproof the Exterior Equipment according to said recommendations to ensure that all noise produced by any external equipment installed and operated by the Operator meets or exceeds New York City noise code. Subsequent to any exterior equipment installation, the Operator shall hire a certified acoustical consultant to perform a "Commissioning Test" to ensure that any exterior equipment is installed correctly and meets or exceeds the current New York City Noise Code. The Operator shall provide proof of a successful Commissioning Test to the Community Board, the State Liquor Authority and the local residents association. The Operator will cause all Exterior Equipment to be shut off and to not be operated during all hours that the premises is closed, with the sole exception of an exterior chiller which The Operator agrees will be configured to conform to the noise requirements in this paragraph.
11. The premises will not have DJ's, live music, cover charges or promoted events.
12. The premises will close all doors and windows at 9PM and anytime there is amplified music. There will be no French doors, operable windows or open facades. Upon request, the Operator shall hang a sign outside the premises, which shall be legible from 20 feet away, instructing patrons to keep the noise down and to respect the neighbors.
13. The Operator shall not store garbage or garbage dumpsters outside of the premises. All garbage will be triple bagged. Operator will not permit garbage to remain on curb for longer than 3 hours prior to pickup.
14. The Operator shall not install any banner up-lighting on the exterior of the Premises and shall replace said lighting with reduced brightness, spot-type down lighting so as to not disturb residents living above and around the premises
15. The Operator shall not offer any discounted drinks at any time past 7pm. There will be no boozy brunches or unlimited drink or all you can eat and drink specials.
16. All signage will conform to signage standards found in landmark districts.
17. The Operator shall use its best efforts to ensure that smells emanating from the premises do not disturb the neighbors. Upon reasonable request the Operator shall implement whatever measures necessary to abate any odor issues shown to be emanating from the premises.
18. The Operator will obtain an updated Certificate of Occupancy and Place of Assembly permit to reflect the proposed occupancy of 120 people and 96 seats.
19. The Operator agrees that all other stipulations agreed to with the University Place Residents Association, Inc. in conjunction with this application in February 2016 will be incorporated into this stipulation agreement.

v. **Whereas**, a petition in support was presented, the applicant reached out to the local block association, the University Place Residents Association, a number of individuals residing near their West Village operation submitted letters and appeared and spoke highly of the Applicant and their character and background in the restaurant industry, and a immediate neighbor who previously had issues with mechanical noise problems submitted a letter stating the applicant was taking steps to resolve those issues; and,

vi. **Whereas**, in January/2017, a number of residents appeared in opposition because they had not had an opportunity to meet with the operator and because their were a number of outstanding issues in particular as they relate to improperly installed mechanical equipment for which ECB Violations have been issued, ECB violations #35195321L and #35167696J and for ECB Violations for operation of a place of assembly w/o a current certificate of operation, ECB violation #35167697L and for an altered/changed building occupied w/o a valid certificate of occupancy ECB violation # 35167695h; those violations were resolved/and or dismissed between the January 2017 and February 2017 CB2 meetings; the previous concerns have been addressed by the Applicant and steps are being taken to install sound baffling around certain mechanical equipment; and,

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

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant On-Premise Liquor License for **The Mess 13 LLC, d/b/a The Mess, 22 East 13th St. 10003** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On-premise Liquor License.

Vote: Unanimous, with 36 Board members in favor.

**19. The Meatpackers, Inc., d/b/a Vogue One, 1-3 Little West 12th St. 10014 (New OP – Restaurant)**

i. **Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new restaurant on-premise liquor license in a location which has never been issued a liquor license before for a full service restaurant which will have a California brasserie style menu with Latin American cooking style inspirations; and,

ii. **Whereas**, this application is for a new Restaurant On-Premise Liquor; the premises is in a commercial district with residential loft units across the street located on the ground floor and cellar of a 5 story commercial building on Little West 12<sup>th</sup> St. between Hudson St. and 9<sup>th</sup> Avenue for a roughly 5,250 sq. ft premise (2,750 sq ft ground floor and 2,500 sq ft basement), with 45 tables and 152 seats (of those – 2 tables and 16 seats are in the basement – the rest on the ground floor), and 1 standup bar on the ground floor with 13 seats and 1 service bar, for a total of 165 interior seats, the maximum occupancy for the premises is stated to be 250; there is no rear yard, rooftop or patio seating, there is no sidewalk café included in this application; there are existing building permits and certificates of occupancy, but they **do not support the current application as presented** (it appears that Certificate of Occupancy #100169 issued 3/2/1992 has been superseded by a new c of o which does not include this space), – the applicant will need to update certificates of occupancy and any permits and place of assembly permits to reflect the current proposal and as such, **all permits presented to the Liquor Authority should be dated 2017 or later with each use within the building specifically designated (there are other licensed premises on**

**the same block & lot number in different buildings which may appear on the same C of O) in order for the license to be issued unless a detailed explanation is presented and reviewed by the Authority;** and,

**iii. Whereas,** the hours of operation will be Sunday to Thursday from 7AM to 1AM and Friday to Saturday from 7AM to 2AM (All patrons will be cleared from the premises and no patrons will remain after stated closing time), music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 10PM except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**iv. Whereas,** the applicant operates another establishment in New York, La Mangeoire at 1008 2<sup>nd</sup> Ave. (SN#1028563); and,

**v. Whereas,** the Applicant reached out to and met with number of local residents and stakeholders in order to discuss their concerns and the Applicant and stakeholders were able to agree on a number of stipulations which are incorporated into a stipulations agreement with CB2, Man. as noted below; and,

**vi. Whereas,** even though this applicant reached out to and met with local residents, there were concerns regarding the addition of this premises as yet another full license in a already over saturated area in the Meat Packing District, that this would draw additional traffic congestion and create additional parking issues, additional pedestrians, impact the existing noise level and exacerbate ongoing quality of life issues in the area and there was significant concern regarding noise in warmer weather months; and,

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

1. Premise will be advertised and operated as a full service restaurant with a California style menu with Latin American cooking style inspirations.
2. The hours of operation will be Sunday to Thursday from 7AM to 1AM and Friday to Saturday from 7AM to 2AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises, or any portion of the premises will not operate as a “lounge”, tavern or sports bar.
4. The premise will not have televisions.
5. The premises will not permit dancing and will never seek a NYC DCA Cabaret License.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only. All music levels and volumes will at all times comply with all New York City Laws and Regulations and will not be audible in adjacent residences at anytime.
8. The premises will not have DJ's, live music, cover charges or promoted events.
9. The premises will close all doors and windows at 10PM and anytime there is amplified music.
10. There will be no sidewalk café.
11. There will be no boozy brunches or unlimited drink or all you can eat and drink specials.
12. There will be no more than 166 seats total inside the premises.
13. The main door to the premises primarily used by patrons for ingress and egress will be the Westerly most door with the double door vestibule so as to minimize any quality of life issues.
14. All mechanicals will comply with NYC Noise Codes.
15. There will be no bottle service except for wine products.

16. There will be no velvet ropes or barricades.

17. If there is a change to ownership greater than 49% the Licensee will submit notice to CB2 and appear to present Corporate Change application. This excludes any transfer between the initial 2 Principles/Partners.

**viii. Whereas**, this location has been the subject of a number of applications to the Liquor Authority, but no entity has carried through with their application and actually opened a restaurant and had a license issued after receiving all proper permits, certificates of occupancy and place of assembly permits; and,

**ix. Whereas**, there are currently approximately 28 On Premise Liquor Licenses within 500 ft. of the premises, many large scale multi floor venues, and an unknown number of beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant On Premise Liquor License for **The Meatpackers, Inc., d/b/a Vogue One, 1-3 Little West 12th St. 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Passed, with 34 Board members in favor, and 1 in opposition (R. Chattree).

**20. Icelandic Fish & Chips US, LLC, d/b/a Icelandic Fish & Chips, 28 7th Ave. South 10014 (New OP – Restaurant)**

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a full service restaurant serving Icelandic fish & chips, organic Icelandic style with skur – Icelandic milk product as presented in detail; there is no meat served, only fish; the applicants have operated a similar establishment operating under the same name in Reykjavik, Iceland for 10 years; and,

**ii. Whereas**, this application is for a new restaurant on-premise liquor license for a previously licensed location in a commercial building located on 7<sup>th</sup> Ave South St. between Leroy St. and Morton St. on the basement, ground floor, and mezzanine and for a roughly 1,515 sq. ft premise (1<sup>st</sup> floor 685 sq. ft., mezzanine 390 sq. ft. and basement 640 sq. ft. – no patron use of basement), the proposed premises will have 33 tables and 74 seats, a waiting area with 14 seats and 1 stand up bar with 8 seats for a total of 94 interior seats, there is an existing temporary Certificate of Occupancy and place of assembly permit; there will be a sidewalk cafe; and

**iii. Whereas**, the hours of operation will be Sunday from 10AM to 12AM, Monday to Thursday from 11AM to 12AM, Friday from 11AM to 1AM and Saturday from 10AM to 1AM (all patrons will be cleared from the ground floor of the premises and no patrons will remain after stated closing time), music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), the future sidewalk café will close at 10PM Sunday to Thursday and 11PM Friday to Saturday, all doors and windows will be closed at 10PM except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; there may be occasional live music with 1 or 2 performers with acoustic instruments only and no amplifiers in Icelandic tradition in the interior only; and,

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

1. Premise will be advertised and operated as a full service restaurant serving Icelandic fish & chips, organic Icelandic style with skur – Icelandic milk product.
2. The hours of operation will be on Sunday from 10AM to 12AM, Monday to Thursday from 11AM to 12AM, Friday from 11AM to 1AM and Saturday from 10AM to 1AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises, or any portion of the premises will not operate as a “lounge”, tavern or sports bar.
4. The premise will not have televisions.
5. The premises will not permit dancing and will never seek a NYC DCA Cabaret License.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only on the interior. All music levels and volumes will at all times comply with all New York City Laws and Regulations and will not be audible in adjacent residences at anytime.
8. The premises will not have DJ’s, cover charges or promoted events.
9. The premises will close all doors and windows at 10PM. There will be no French doors, operable windows or open facades.
10. There will be no boozy brunches or unlimited drink or all you can eat and drink specials.
11. Will keep current at all times temporary Certificate of Occupancy or obtain permanent Certificate of Occupancy.
12. Sidewalk café will close at 10PM Sunday to Thursday and 11PM Friday to Saturday. No patrons will remain in Sidewalk Café at closing and all tables and chairs will be removed at that time.
13. The premises may on occasion have live music, which will be acoustical only and there will be no amplification.
14. There will be no music in the outdoor area of any kind.

v. **Whereas**, there are currently approximately 19 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses; and

vi. **Whereas**, a petition in support was submitted and the landlord appeared in support and answered questions;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of a new Restaurant On Premise Liquor License for **Icelandic Fish & Chips US LLC, d/b/a Icelandic Fish & Chips, 28 7th Ave. South 10014** unless the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 36 Board members in favor.

**21. Jeju R&D LLC, d/b/a Jeju Noodle Bar, 679 Greenwich St. (aka 139 Christopher St.) 10014 (New RW)**

i. **Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new restaurant wine license for a full service restaurant serving Korean and Asian fare including seafood, noodles, appetizers, soups, salads and more, operating as a noodle bar; and,

ii. **Whereas**, the premises is located in a mixed-use building in a residentially zoned district (R6) located on the ground floor on the Northeast Corner of Greenwich St and Christopher St for a roughly 2,000 sq. ft. premise on the ground floor and basement (1000 sq ft each, basement for ancillary uses only – no

patrons) with 12 tables and 24 seats and 1 bar with 8 seats, for a grand total of 32 seats, there is no sidewalk café and there are no other outdoor areas for patrons, there is an existing Certificate of Occupancy issued by the NYC Department of Buildings; and,

**iii. Whereas,** the hours of operation will be from 11AM to 2AM 7 days a week (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there are no operable French doors or operable windows, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no T.V.'s, there will be no use by patrons of the basement; and,

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

1. Premise will be advertised and operated as a full service restaurant serving Korean and Asian fare including seafood, noodles, appetizers, soups, salads and more.
2. The hours of operation will be from 11AM to 2AM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises, or any portion of the premises will not operate as a “lounge”, tavern or sports bar.
4. The premise will not have televisions.
5. The premises will not permit dancing and will never seek a NYC DCA Cabaret License.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes.
7. There will be no sidewalk café per zoning regulations.
8. The premises will play quiet ambient-recorded background music only. All music levels and volumes will at all times comply with all New York City Laws and Regulations and will not be audible in adjacent residences at anytime.
9. The premises will not have DJ's, live music, cover charges or promoted events.
10. The premises will close all doors and windows at 10PM every night and anytime there is amplified music. Doors will not be propped open after those hours. There will be no French doors, operable windows or open facades.
11. There will be no unlimited drink or all you can eat and drink specials.
12. There will be no bottomless brunches, boozy brunches or unlimited drink or all you can eat and drink specials and no pitchers of beer.
13. This will be a restaurant operation only.

**v. Whereas,** there are currently approximately 10 On Premise Liquor Licenses within 500 ft of the premises and an unknown number of beer and wine licenses; and,

**vi. Whereas,** the applicant states the premises is located within 200 ft. of the Church of St. Veronica located at 149-155 Christopher St. (190 ft.), which is a part of the Arch Diocese of NY, which would preclude a future application for an on-premise liquor license because it would violate the “200 ft. rule”;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant Wine license for **Jeju R&D, LLC, d/b/a Jeju Noodle Bar, 679 Greenwich St. (aka 139 Christopher St.) 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 36 Board members in favor.



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

**22. Flip'n Toss LLC, d/b/a N/A, 82 Christopher St. 10014** (New RW – Layover)

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on February 9<sup>th</sup>, 2016 the Applicant requested to **Layover** this application for a new restaurant wine license at a previously unlicensed location and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed; it was noted at the meeting that there was no patron bathroom and in order to remedy this situation it appeared a substantial reconfiguration of plumbing fixtures would be required if even possible; the applicant agreed they would investigate options to see if a patron bathroom was feasible and return to CB2, Man. at a future date;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Flip'n Toss LLC, d/b/a N/A, 82 Christopher 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 36 Board members in favor.

**23. RH NY MP F&B, LLC, d/b/a Restoration Hardware, 9-19 Ninth Ave. 10014** (RW – Retail Store and Restaurant – outdoor rooftop - Layover)

**Whereas**, after appearing before CB2, Manhattan's SLA Licensing Committee #2 Meeting on December 15<sup>th</sup>, 2016 and February 9, 2017 the Applicant requested to **layover** this application again until March for a new restaurant wine license for a 5-story premises operating as an upscale interior design gallery/interior decorating establishment and furniture showroom with a full service restaurant on the 5<sup>th</sup> floor and grab and go/pantry on the 4<sup>th</sup> floor and exterior showroom area on the 5<sup>th</sup> floor in order to consider the requests of the committee and local residents; the applicant may file their application with the SLA but will jointly request with CB2, Man. that no final determination be made until after CB2, Man. issues a recommendation at the March 23<sup>rd</sup> CB2 Full Board meeting; the SLA Committee was prepared to present a resolution recommending Denial of the Application to the Full Board of CB2, Man. in December 2016 in particular as it related to use of outdoor music on the exterior portions of the 5<sup>th</sup> Floor, but is willing to continue working with the applicant to come to a an agreement;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **RH NY MP F&B, LLC, d/b/a TBD (Restoration Hardware), 9-19 Ninth Ave. 10014** **until** the Applicant has re-presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

**24. The Vault, LLC, d/b/a Lively, Vault at 675 Hudson St. 10014 (Corp Change OP – Restaurant SN#1226150 - Layover)**

**Whereas**, after CB2, Manhattan’s SLA Licensing Committee #2 Meeting on February 9th, 2017, the Applicant requested to again **layover** this application for a corporate change to an existing on-premise liquor license after having requested a layover in December 2016 and January 2017, the premises being currently closed, the applicant has agreed to request with CB2 that the SLA not complete their review of the corporate change application until after they have appeared before CB2 in March 2017 and after CB2’s March 23<sup>rd</sup>, 2017 Full Board meeting;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **The Vault, LLC, d/b/a Lively, Vault at 675 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 36 Board members in favor.

**25. 120 Uni Roast, LLC, d/b/a Roast Kitchen, 120 University Place 10003 (RW – Withdrawn)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on February 9<sup>th</sup>, 2017, the Applicant requested to **withdraw** this application for a new restaurant wine license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **120 Uni Roast, LLC, d/b/a Roast Kitchen, 120 University Place 10003** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

**26. Bleecker Fish, LLC, d/b/a TBD, 280 Bleecker St. 10014 (RW – Restaurant - Layover)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on February 9<sup>th</sup>, 2016 the Applicant requested to **Layover** this application for a transfer/new restaurant wine license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Bleecker Fish LLC, d/b/a TBD, 280 Bleecker St. 10014** **until** the Applicant has presented

their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

**27. Sushi on Bedford LLC, 14 Bedford St. 10014** (RW – Restaurant – Withdrawn)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on February 9<sup>th</sup>, 2016 the Applicant requested to **withdraw** this application for a new restaurant wine license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Sushi on Bedford LLC, 14 Bedford 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 36 Board members in favor.

**28. FIMT Consulting LLC, d/b/a TBD, 63 Bedford St., 10014** (OP-Restaurant-Layover)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on February 9<sup>th</sup>, 2016 the Applicant requested to **layover** this application for a new restaurant on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **FIMT Consulting LLC, d/b/a TBD, 63 Bedford 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 36 Board members in favor.

**29. Dean & DeLuca Small Format Lq. LLC, d/b/a Dean & DeLuca, 33 Ninth Ave. 10014** (OP – Restaurant - Layover)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on February 9<sup>th</sup>, 2016 the Applicant requested to **layover** this application for a new restaurant on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Dean & DeLuca Small Format Lq., LLC, d/b/a Dean & DeLuca, 33 Ninth Ave. 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 36 Board members in favor.

**30. FB 35 East 13, Inc., d/b/a N/A, 35 E. 13th St. 10003 (New OP)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on February 9th, 2017 the Applicant requested to **layover** this application for a new on-premise liquor license across multiple floors with outdoor rooftop and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed; there is significant community opposition;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **FB 35 East 13, Inc., 35 E. 13<sup>th</sup> St. 10003** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

**TRAFFIC AND TRANSPORTATION**

**1. Resolution requesting epoxy-gravel sidewalk widening on both Grove St. and W. 4th St., plus signage, to avoid dangerous pedestrian and vehicular conflicts at the pedestrian island on 7th Ave. S. at Grove St. and add pedestrian space.**

**Whereas**, the southern tip of the pedestrian island between Christopher and Grove Sts. on the east side of 7th Ave. S. extends into the Grove St. streetbed partially in the path of motor vehicles coming from the east on Grove; and

**Whereas**, this close configuration of the pedestrian island's edge with vehicles progressing from the east on Grove has led to many vehicles hitting and/or riding over the median tip (especially when it snows and the island end is totally obscured); and

**Whereas**, motorists colliding with the jutting piece of island skid or have the potential to skid in many different directions, greatly endangering both themselves and crossing pedestrians; and

**Whereas**, this danger to both drivers and pedestrians is further intensified by a lack of visibility of both the small white bollard on the island's edge and the small patch of streetbed striping intended to divert drivers away from the island, resulting in drivers suddenly swerving to avoid the island that they only see at the last minute; and

**Whereas**, the sidewalk (subway entrance island) curb on the north side of Grove St. bet. W. 4th St. and 7th Ave. S. (as well as alongside Christopher Park on Grove) does not line up with the southern edge of the 7th Ave. S. pedestrian island, allowing for a curbside northern (right-hand) No Parking lane on Grove to lead directly into the protruding corner of the island, with many motorists following that lane to a virtual dead-end instead of veering to the left away from the island; and

**Whereas**, Grove St. on the east side of 7th Ave. S. goes from east to west, Grove St. on the west side goes from west to east, precluding drivers coming from the east on Grove from directly advancing across 7th Ave. S., their only option being to turn left and head south on 7th Ave. S., which calls for a more clearly defined left-hand lane and path on Grove; and

**Whereas**, increasing pedestrian traffic at the subway entrance island facing Grove, W. 4th St. and 7th Ave. S. is expected to grow further as programming develops related to the nearby Stonewall National Monument, requiring more pedestrian space; in addition, the community wants to prevent illegal parking of food trucks next to the curb there, especially on W. 4th St.;

**Therefore be it resolved** that CB2, Man. asks the NYC Dept. of Transportation to extend the sidewalk on the northern side of Grove St. bet. W. 4th St and 7th Ave. S., i.e., at the subway entrance island, (and preferably also alongside Christopher Park on Grove) with epoxied gravel, so that its edge aligns with the southern/Grove St. end of the 7th Ave. S. pedestrian island, channeling Grove St. traffic coming from the east to the left or south; and

**Be it further resolved** that CB2, Man. requests that the eastern curb of the subway entrance island on W. 4th St. bet. Christopher and Grove Sts. be similarly extended with epoxied gravel; and

**Be it further resolved** that CB2, Man. asks that planters be installed in the requested extensions, along with bollards or flexible delineators, to protect and define the space for pedestrians (to be maintained by the 7th Ave. S. Alliance); and

**Be it further resolved** that CB2, Man. requests that a highly visible sign stating "Keep Left" with a bold arrow pointing to the left (south on 7th Ave. S.) be placed on the southernmost side of the pedestrian median on 7th Ave. S. at Grove St.; and

**Be it finally resolved** that CB2, Man. suggests that these improvements be incorporated into the upcoming 7th Ave. S. Complete Streets plan.

Vote: Passed, with 35 Board Members in favor, and 3 in opposition (D. Gruber, S. Aaron, R. Sanz).

## **2. Resolution requesting a study by the NYC Dept. of Transportation to determine and implement pedestrian safety measures, including traffic calming and related traffic controls, on both W. 3rd and Bleecker Sts. between LaGuardia Pl. and Mercer St.**

**Whereas**, a petition with some 600 signatures (at least 95% of them local) has been submitted to CB2, Man. by neighborhood representatives requesting traffic calming designs on both W. 3rd and Bleecker Sts

bet. LaGuardia Pl. and Mercer St., including narrowing of the streetbed on W. 3rd and midblock crosswalks on both streets, to protect pedestrians crossing these streets; and

**Whereas**, CB2, Man. has long been requesting improvements on both of these streets to make them more pedestrian-friendly, especially on the W. 3rd St block, which bet. LaGuardia and Mercer is exceptionally wide (approximately 50 ft.) and extremely hazardous for pedestrians trying to get across; and

**Whereas**, both streets are heavily used by a numerous and varied pedestrian population, including local residents, families with young children, senior citizens, NYU students and faculty, children of all ages on their way to school, pre-school and play, people on their way to work, neighborhood businesses and their employees, not to mention visitors and tourists, with concerns coming from all of these users about their threatened safety traversing these streets; and

**Whereas**, W. 3rd and Bleecker Sts bet. LaGuardia Pl. and Mercer St. are very different from each other in character, size and configuration, and would require different analyses and treatments, e.g. Bleecker St. is a little over 35 ft. wide (significantly narrower than W. 3rd St.), crowded with trucks and tour buses, with parking on both sides, a bicycle lane, delivery trucks at Morton Williams, and frequent congestion, while W. 3rd is a broad and somewhat desolate expanse that encourages and facilitates motor vehicles speeding and disregard of people in the street; and

**Whereas**, drivers enter W. 3rd St. bet. Mercer St. and LaGuardia Pl. from the much narrower stretch bet. Broadway and Mercer, and seeing this opening, sprint forward from Mercer, racing to catch the green light at LaGuardia (although W. 3rd St. beyond that becomes narrow again), adding to the hazardous conditions there; and

**Whereas**, both W. 3rd and Bleecker bet. Mercer and LaGuardia are superblocks incorporating Greene and Wooster Sts. and therefore are unusually long expanses calling for opportunities to cross in the middle. W. 3rd St. has two zebra-striped midblock crosswalks, both very faded and both ignored by the motorists zipping by. Bleecker offers a direct path between Silver Towers and Washington Square Village when people follow their own "desire lines" to cross midblock from one to the other, although no real, secure crossing exists; and

**Whereas**, the W. 3rd St. block is beset by delivery and waste removal trucks operating at the midblock crosswalks that compromise pedestrian access and safety and obstruct visibility; and

**Whereas**, plans for improvement by NYU are far in the future, but NYU indicates it is not averse to improvements being made to these streets by others in the meantime (and safety improvements are needed as soon as possible);

**Therefore be it resolved** that CB2, Man. requests that the NYC Dept. of Transportation (DOT) conduct a study of both W. 3rd and Bleecker Sts. bet. LaGuardia Pl. and Mercer St. to determine and implement suitable traffic calming and other street improvement measures for each individually, to make them safe for crossing pedestrians; and

**Be it further resolved** that CB2, Man. asks that particular consideration be given to narrowing W. 3rd St. (perhaps through sidewalk widening or neckdowns, a protected bike lane, or even street seats) and to providing midblock crossing opportunities on both Bleecker and W. 3rd (e.g. with high visibility crosswalks accompanied by traffic controls, as DOT requires, such as traffic light signals or STOP signs, and installing bulb-outs by the crosswalks); and

**Be it finally resolved** that CB2, Man. encourages DOT to reach out for input from the community and to work with NYU to study and devise solutions (including with DOT's freight mobility unit), such as parking relocation and re-organization, for accommodating deliveries, loading and garbage disposal needs on W. 3rd St. that will avoid negatively impacting pedestrian and cyclist safety.

Vote: Unanimous, with 38 Board Members in favor.

**3. Resolution in support of a No Standing Anytime sign for one space in front of the NobleDEN Hotel, 196 Grand St.**

**Whereas** the NobleDEN Hotel at 196 Grand St. requested a hotel loading zone sign to accommodate guests loading and unloading, but the NYC Dept. of Transportation (DOT) turned them down; and

**Whereas** DOT rejected the hotel loading zone request, because the NobleDEN Hotel has less than 100 rooms, and 100 rooms or more are required for this designation; and

**Whereas** DOT can provide No Standing Anytime as an alternative to a hotel loading zone when there are less than 100 rooms at a hotel, which allows for expeditiously dropping off or picking up passengers only; and

**Whereas** the NobleDEN Hotel needs at least one space to accommodate arriving and departing guests, and there's no other safe and convenient space for this nearby;

**Therefore be it resolved** that CB2, Man. supports the installation of a No Standing Anytime sign for one space in front of the NobleDEN Hotel at 196 Grand St.

**Vote:** Unanimous, with 38 Board Members in favor.

Respectfully submitted,

Keen Berger  
Secretary  
Community Board #2, Manhattan