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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

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

### FULL BOARD MINUTES

**DATE:** April 20, 2017  
**TIME:** 6:30 P.M.  
**PLACE:** St. Anthony of Padua Church, 151-155 Sullivan St., Lower Hall

**BOARD MEMBERS PRESENT:** Keen Berger, Tobi Bergman, Anita Brandt, Richard Caccappolo, Erik Coler, Tom Connor, Teri Cude, Chair; Doris Diether, Cristy Dwyer, Robert Ely, Kathleen Faccini, Cormac Flynn, Billy Freeland, Joseph Gallagher, Robin Goldberg, Sasha Greene, David Gruber, Jeannine Kiely, Edward Ma, Robert Riccobono, Sandy Russo, Rocio Sanz, Shirley Secunda, Kristin Shea, Frederica Sigel, Susan Wittenberg

**BOARD MEMBERS ABSENT WITH NOTIFICATION:** Susanna Aaron, Katy Bordonaro, Don Borelli, Lisa Cannistraci, Susan Gammie, Susan Kent, Lois Rakoff, Shirley Smith, Chenault Spence, Elaine Young

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

**BOARD MEMBERS PRESENT/ARRIVED LATE:** Carter Booth, Ritu Chattree, Coral Dawson, Jonathan Geballe, Maud Maron, Daniel Miller, Lauren Racusin, Robin Rothstein, Antony Wong

**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; Andrew Chang, Manhattan Borough President Gale Brewer's office; Assembly Member Yuh-Line Niou, Charles Anderson, Assembly Member Deborah Glick's office; Eric Holgun, NYC Comptroller Scott Stringer's office; Adam Chen, Public Advocate Letitia James' office; Patrice Comerford, Council Member Corey Johnson's office; Sheila Rodriguez, Council Member Rosie Mendez's office; Sabrina Hua, Council Member Margaret Chin's office; William Kelley, Judith Monaco-Callet, Christopher Porras, Katherine Jiang, Sandy Hormill, Wendy Friedman, Sally Lee, John Rockwell, Allen Meislin, Donna Meislin, Kimberly Lippmann, Elizabeth Norman, Antoinette Janechi, Jeffrey Rowland, Nichole Izzu, Georgette Fleischer, Cynthia Chapin, Anthony Cohn, Stephen Meringott, Irene Anschlewar, Aldo Radoczy, Darelene Lutz, Robin Broadbent, Amanda Iannotti, Sheryl Woodruff, Emily Collins, Minerva Durham, Stacey Goergen, Erica Vargas, Greg Lippmann, Yukie Ohta, Mark Dicus, Sam Monaco, Morgan Kears, Ana Ventura, Jon Giacobbe, Karen Ash, Pete Davies, Jamie McGlinchey, Xena Petkanas, Keegan Strouse, Daria Schieferstein, Cordelia Persen, George Berry, Mary Riddell, Jason Vacker, Eric Vath, Greg Miller, Fabrice Armand, Maria Diaz, Bob Sherak

## MEETING SUMMARY

Meeting Date – April 20, 2017  
Board Members Present – 35  
Board Members Absent With Notification – 10  
Board Members Absent - 3  
Board Members Present/Arrived Late - 9

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### II. PUBLIC SESSION

#### Non-Agenda Items

##### 5 Boro Bike Tour

Karen Ash spoke regarding the upcoming bike tour on May 7<sup>th</sup>.

##### Annual Dance Parade

Greg Miller reminded everyone about the upcoming Dance Parade on May 20<sup>th</sup>.

##### Shred Day

Judith Callet reminded everyone regarding the upcoming Shred Day event.

##### Washington Square Park Conservancy

Sheryl Woodruff made several announcements regarding the park.

##### Greenwich Village-Chelsea Chamber of Commerce

Maria Diaz invited everyone to the Chamber's upcoming events for businesses.

##### J-51 Tax Credits

Erik Coler spoke regarding this topic.

##### Vendors on Mulberry & Hester Streets

Jon Giacobbe spoke regarding people selling bags, jewelry, etc. on Mulberry Street with no permits.

## Recruitment and Hiring

Fabrice Armand reported that the Department of Corrections is hiring personnel.

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

462 Broadway-special permit to allow retail use on ground floor and cellar of 6-story building  
Stacey Goergen, Pete Davies, Mary Riddell, Bob Sherak, Donna Meislin, Robin Broadbent, Kim Lippmann, Greg Lippmann, Allan Mesilin, and Wendy Friedman (representing 100 people), all spoke in opposition to the proposed special permit applications.

John Rockwell spoke against the overdevelopment of retail.

62 Greene St.- seeking special permit 74-711 to permit conversion of ground floor and cellar to retail use  
Eric Vath, representing the applicant, spoke in favor of the special permit request.

## **Landmarks & Public Aesthetics Items**

769 Greenwich St. - Application to remove stair bulkhead from roof terrace, extend elevator shaft with new bulkhead, and install a greenhouse enclosure at 3<sup>rd</sup> fl. terrace.  
Irene Anschlowar (representing the applicant), and Aldo Radoczy, spoke in favor of the proposed Landmarks application.

## **Quality of Life Items**

CCFC 62 Spring, LLC, d/b/a Chef's Club Counter, 62 Spring St.  
Minerva Durham and Georgette Fleischer spoke against the proposed sidewalk café application.

Presentation by the Village Alliance regarding the Astor Place Poetry Festival to be held April 21<sup>st</sup> & 22<sup>nd</sup>  
William Kelley spoke regarding the programming.

## **SLA Licensing Items**

Smorgasburg Events, LLC, d/b/a N/A, 76 Varick St. 10013  
Darlene Lutz spoke against the proposed liquor license for the outdoor venue.

## **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;

Assembly Member Yuh-Line Niou

Charles Anderson, Assembly Member Deborah Glick's office

Eric Holgun, NYC Comptroller Scott Stringer's office

Andrew Chang, Manhattan Borough President Gale Brewer's office

Patrice Comerford, Council Member Corey Johnson's office

Sabrina Hua, Council Member Margaret Chin's office

Sheila Rodriguez, Council Member Rosie Mendez's office

**V. ADOPTION OF MINUTES**

Adoption of March minutes

**VI. EXECUTIVE SESSION**

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

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

**STANDING COMMITTEE REPORTS**

**LAND USE AND BUSINESS DEVELOPMENT**

1. **462 Broadway** (NE corner of Broadway and Grand Streets) CEQR 17DCP097M, C 170192 ZSM and C 170193 ZSM. The applicant is seeking a special permit to allow retail use on the ground floor and cellar of the existing six-story building, and a special permit to allow a large retail establishment of over 10,000 square feet, for a total of 45,201 SF retail.

**Whereas:**

1. This application seeks **(1)** a special permit pursuant to Section 74-781 of the Zoning Resolution to permit Use Group 6 retail use in the cellar and the southerly portion of the ground floor of the existing six-story building in an M1-5B zoning district, within the SoHo Cast-Iron Historic District; and **(2)** a special permit pursuant to ZR 74-922 to permit Use Groups 6 and 10A large retail establishment over 10,000sf in the cellar and the southerly portions of the ground through third floors of the aforementioned building.
2. The building is divided into a northerly portion (466-468 Broadway aka 26-28 Crosby Street) and a southerly portion (462-464 Broadway aka 22-24 Crosby Street aka 120-130 Grand Street) but the entire premises lies within a single tax lot and operates as a single building (Block 473, Lot 1).
3. The existing uses in the northerly portion of the ground through third floors and the entire fourth through sixth floors will remain unchanged for now. However, the applicant intends to seek an additional land use application to allow UG6 retail use in the northerly portion of the ground floor, with indications that the applicant will also seek a separate 74-922 special permit for retail in excess of 10,000sf in that northerly portion of the building, where an additional 28,500sf of space is now vacant.
4. Loading and unloading for retail operations at 462 Broadway, aka 22-28 Crosby Street, will occur on Crosby Street, where the building's freight elevators are located. However, applicant has stated that there is the possibility that some loading will also place on Grand Street, dependent upon finalization of plans for retail entrances. Crosby Street is a narrow one-way street with a single traffic lane and residential and JLWQA occupancies to the north, south and east of the intersection of Crosby and Grand Streets. Grand Street is also a one-way street with a single traffic lane, with residential occupancies on upper floors of all buildings directly to the south of 462 Broadway.

5. The applicant claims that the project would neither generate additional traffic nor alter the existing traffic, but has done no studies and makes no mention of retail merchandise deliveries that will be a part of a proposed oversized retail operation.
6. The UG9 International Culinary Center is downsizing, has vacated its former ground floor space, and has relocated its trade school and accessory office space within the Building to portions of the second through fifth floors. The International Culinary Center was a conforming use in the ground floor space, which the applicant states was moved to the upper floors with a “reduced rent,” and the applicant now seeks to fill the former ICC space on the ground floor with a non-conforming use.
7. The applicant states, in the EAS Supplemental Report (page 16: “Future With-Action Conditions”): “The retail uses that would result from the Proposed Action are particularly appropriate for the location and are consistent with the existing built character and uses within the surrounding neighborhood,” but offers no documentation to back up that claim in regard to which retail uses now in operation in the surrounding area are actually permitted and allowed.
8. A search of LUCATS for special permits that have been granted to allow retail in excess of 10,000sf in the surrounding neighborhood shows only a single special permit on the entire length of Broadway in SoHo: 550-556 Broadway in 2009 (C090362 ZSM).
9. At least five other oversized retail operations are on that same stretch of Broadway, all of which have not obtained the required oversized retail special permit, thereby bypassing community input that is a key part of the special permit process, and where DOB Zoning Resolution Determinations have not been found that could be used to excuse the lack of an oversized retail Special Permit. Those retailers without the 74-922 special permit include:
  - a. Topshop at 478-482 Broadway (multiple buildings horizontally connected; 4 floors above-grade, approx. 37,000sf; opened 2009 and expanded since);
  - b. Zara at 503-511 Broadway (2 floors above-grade, approx. 20,000sf; opened 2016);
  - c. UNIQLO at 546-548 Broadway (2 floors above-grade, approx. 30,000sf; opened 2006)
  - d. American Eagle at 599-601 Broadway ((2 floors above-grade, approx. 18,000sf; opened 2010); and
  - e. Hollister at 600-602 Broadway (3 floors above-grade, approx. 20,000sf; opened 2009).
10. On April 3, 2017 and April 10, 2017, the NYC Department of Buildings served these five retail establishments with ECB Violations for “Category Code 92: Illegal conversion of manufacturing/industrial space; illegal conversion” in regard to “retail store operating ... in a M1-5B zoning district exceeding 10,000sf.” attached for reference is a 1-page spreadsheet showing the Retail Special Permit Status for the M1-5B area on Broadway in SoHo; that spreadsheet also denotes the properties that were served with DOB ECB Violations in April 2017 for operating retail exceeding 10,000sf.
11. Two other retail set-ups in excess of 10,000sf have been allowed to open and are currently in operation along Broadway, apparently by way of internal DOB determinations that were made by that agency without community input:
  - a. Bloomingdales at 502-504 Broadway; and
  - b. Nike at 529-533 Broadway.
12. Applicant claims that prior applications pursuant to Section 74-781, for retail below the 2<sup>nd</sup> floor along Broadway in the SoHo M1-5B district, contained no controlling language in the CB2 Resolutions, but applicant failed to note that no such application for existing retail on Broadway has come before CB2 in the past five years, and only two such applications for Broadway have come before CB2 in the past decade. The most recent such application processed by DCP was withdrawn, following recommendation to disapprove, which cited failure to comply with requirement for good faith marketing requirement (449 Broadway; C150337ZSM in 2015). Another such application, for a new building now under construction at 19 E Houston St. (C140300ZSM in 2014), was granted with provisions in regard to size and location of retail, retail

illumination, retail deliveries and pedestrian circulation. For reference, see attached spreadsheet, previously noted, for Retail Special Permit Status.

13. Within the “400 Foot Study Area” for 462 Broadway (cited in the EAS and Supplemental Report on Pages 13-15: 2.1.1 Land Use, Existing Conditions), there are over 450 residential units found in buildings that encircle 462 Broadway. Using the occupancy number per residential unit that is cited under EAS guidelines, that adds up to nearly 1,000 residents who will be directly impacted by the effects of this new retail use.
14. The “Land Use Distribution” (EAS, Table 3, page 15) shows the number of 18.8% for “Mixed Residential/Commercial” uses (applicable to the entirety of CB2). However, that number does not accurately describe the residentially occupied uses in the immediate vicinity of 462 Broadway, where a more accurate accounting would show that nearly all of the nearby buildings are “Mixed Residential/Commercial” and approximately 80% of the nearby above-grade floor area is occupied by either JLWQA or residential uses, together encompassing approximately 990,000sf of JLWQA/residential use (as opposed to the 45,000sf of retail use that is the subject of this current proposal for 462 Broadway). For reference, see attached spreadsheet listing nearby residential properties.
15. In 2014, as a result of CB2, Man. and community action and with direction from CPC, an application for retail in excess of 10,000sf at 19 E Houston St. was withdrawn by that applicant (C140302 ZSM). Then, in 2015, at the Board of Standards and Appeals, an amended variance seeking adjustment of retail at 555-557 Broadway (Scholastic), was “granted on condition” with strict limitations on future retail operations (BSA 146-96-BZ).
16. Nearby residents and other community members have raised a number of concerns regarding the negative impact of oversized retail in the M1 Districts of SoHo and NoHo. Negative impacts and adverse effects from retail operations in excess of 10,000sf are now part of the ongoing residential experience in SoHo and NoHo, due to the large number of oversized retail operations now in place along Broadway. Those adverse effects include the following:
  - a. Excessive illumination from retail displays, including massive LED screens that blast light and imagery from the retail premises onto the street and into windows of residences;
  - b. “Off Hours Deliveries” aka After Hours Deliveries of retail merchandise that bring massive trucks to the streets below residential windows, treating the sidewalks like loading docks and resulting in constant noise and disruption almost every night of the week. The documented negative impacts from Off Hours Deliveries, particularly at one oversized retail operation in SoHo (UNIQLO at 546-548 Broadway), has recently compelled the NYC Department of Transportation’s Office of Freight Mobility to use precious public resources to install sound and motion sensing cameras outside that retail operation to chronicle the noise disruptions that have plagued nearby residents for many years, and which that retailer has failed to properly address;
  - c. Massive amounts of retail trash and refuse that are piled on the narrow public sidewalks, often placed outside many hours in advance of the closing of the retail store and thereby in violation of trash regulations, which mandate that commercial refuse should be placed on the sidewalk one hour before a store closes;
  - d. Oversized retail that is pushing out small-scale, individually-owned uses that better serve the local population.
17. CB2, Man. has made many attempts, along with Manhattan Borough President Gale Brewer and Councilmember Margaret Chin, to address ongoing issues connected with retail special permits in the M1 districts of SoHo and NoHo, chronicled in a comprehensive letter sent to DOB Commissioner Rick D. Chandler on February 9, 2015. For reference, a copy of that 02/09/2015 letter is attached.

18. Assurances by Mayor de Blasio and the Department of City Planning to study the current zoning of SoHo and NoHo, originally set to start in the summer of 2016, could have helped to identify problems that come with oversized retail, and identified solutions for how to address those problematic situations. However, based on statements made by DCP representatives during the Feb. 21, 2017 review session for 462 Broadway, all indications are that the promised zoning study of SoHo and NoHo will not take place in the near future. Therefore, enforcement of existing retail zoning becomes all the more important so as to assure that the essential character of the surrounding area will not be impaired. As noted by Commissioner Anna Levin during that same CPC review session: “We all know there are problems with the Special Permit format ... but this one really highlights the problem” (CPC Review Session on Feb. 21, 2017, video timecode 02:18:30).
19. Questions about the “good faith efforts” used to market the space within 462 Broadway were raised by City Planning Commissioners during the review sessions, and it should be noted that while the northerly portion of the building (aka 466-468 Broadway, now vacant) is not part of this application, that space (for which the applicant states it will seek a separate special permit to allow for retail use) is currently being marketed for non-conforming retail use. Signs are now seen in the windows at 466-468 Broadway, stating “Retail Space For Lease” and showing the listing brokers’ contact info. This same space was previously leased to non-conforming retailers (Daffy’s, 1998-2012 and Joe Fresh, 2013-2015). The applicant acknowledges that the 466-468 space was leased, in an “illegal” manner, to those retail operations for over 15 years. Attached is a photograph taken on April 9, 2017 showing one of those “retail space for lease” signs with clear identification of the 466-468 Broadway premises.
20. There was no any evidence of any attempt made to market directly for “advanced manufacturing” uses, a conforming use described by Wikipedia as “involving the use of technology to improve products and/or processes,” with the relevant technology being described as “advanced,” “innovative,” or “cutting edge.” A common example of advanced manufacturing is 3D printing.
21. At CB2’s Land Use meeting on April 12, 2017, applicant returned to present a revised plan removing the third floor portion of the proposal (9,983sf), thereby leaving approximately 35,000sf (including the basement) that applicant seeks to convert to retail use. However, despite committee and community requests, the applicant did not agree to limit individual retail operations to a maximum of 10,000sf, inclusive of cellar space.
22. At the same meeting, applicant agreed to sit down with residential neighbors to solve noise problems from the existing mechanicals on the roof of 462 Broadway—problems that have been ongoing for an extended period of time but that were never properly addressed by the applicant, despite outreach from the neighbors.
23. Applicant also agreed to include—and enforce—acceptable illumination and hours of delivery and trash pickup in leases with retail tenants. However, the applicant’s offer to put “reasonable” controls in place for future retail tenants were unspecified. Further, it was pointed out that there is little chance of enforcing any such lease provision, or any real way of achieving a cure for problem, if the current application were to be granted without inclusion of language that would establish controls for retail operations at this property.
24. Applicant agreed to no late-night uses and no eating and drinking establishments on the premises.
25. It is noted that ZR Section 74-922 includes this directive: “The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.”
26. During the two public hearings held before the CB2’s Land Use committee, scores of nearby residents and small business owners appeared and spoke in opposition to the applications. CB2 is unaware of anyone in support of either of the applications.

**Therefore,**

1. With respect to a special permit pursuant to ZR 74-922 to permit Use Groups 6 and 10A large retail establishment over 10,000sf, CB2, Man. recommends denial.
2. With respect to a special permit pursuant to ZR 74-781 to permit Use Group 6 retail use in the cellar and the southerly portion of the ground floor (below the second story), CB2, Man. recommends denial unless the total area for any single retail store, including cellar space, does not exceed 10,000 square feet.
3. Should applicant meet the criteria, CB2, Man. recommends denial of eating and drinking establishments and late-night uses.

Vote: Unanimous, with 34 Board members in favor.

**2. 40 Wooster Street** (between Grand and Broome Streets). CPC 160349. The applicant requests a special permit 74-711 to permit conversion of a building from commercial use to residential occupancy on floors 2-6 and retail use on the ground floor, cellar and sub cellar.

**Whereas:**

1. The proposed action would permit the conversion of a six-story building from existing commercial and vacant uses to retail use (UG6) on the first floor and cellar and four units of resident use (UG2) on the second through sixth floors.
2. The development site is comprised of a single 2,553sf zoning lot within the SoHo Cast Iron Historic District with existing floor area of approximately 13,849sf and an FAR of approximately 5.40.
3. The first floor would contain 1,833sf of retail space plus 538sf of lobby entrance and elevator. There would be 1,224sf of accessory building utility and storage space in the sub-cellar and 1,374sf in the cellar. Floors 2-6 would have 10,708sf of residential floor area plus a private, 323sf rooftop sitting room for the sixth floor residence.
4. The LPC has issued a Certificate of Appropriateness for the proposed restoration work.
5. The building does not have a Certificate of Occupancy; it has been in commercial occupancy since its completion in 1896 and there are no records of any residential use of the building.
6. There are no existing manufacturing uses on the block and there are no indications that the building was ever used for manufacturing purposes.
7. According to the prior owner, there have been theatre uses in the past and there was art gallery use on some of the upper floors in the mid-1980's.
8. The first floor has been occupied by an arts-related firm that will vacate in April 2017 since September 2015. The second floor is occupied by a fitness company. Other floors contain or contained a business management company for the music industry, architect and interior design offices, and a commercial production company.
9. All of the current tenants have short-term leases.
10. The applicant is willing to agree to no eating or drinking establishments.
11. The applicant intends to add an ADA-accessible bathroom in the retail space.
12. The applicant is willing to stipulate in the leases of all retail tenants that they must agree to host not-for-profit cultural uses a minimum of four times per month in the retail space.

**Therefore,** CB2, Man. recommends denial of this application unless two conditions are written into the special permit:

1. No eating and drinking establishments.



2. All leases for ground floor retail space must stipulate that the tenant host, free of charge, not-for-profit cultural uses that are open to the public, available a minimum of four times per month, and this must be enforced by the applicant.

Vote: Passed, with 33 Board members in favor, and 1 in opposition (D. Diether).

**3. 62 Greene Street** (between Broome and Spring Streets) DCP P2015M0282. The applicant requests a special permit 74-711 to permit conversion of the ground floor and cellar to retail use. No change proposed to the upper units.

**Whereas:**

1. The applicant seeks to convert a portion of the existing ground floor and cellar (UG16) of this five-story building built in 1872 to commercial retail use.
2. The building's footprint is approximately 4,512sf; it has an FAR of 4.76.
3. In addition to the 2,540sf of JLWQA storage that will remain unchanged, there is another approximately 2,029sf of space in the cellar; there is approximately 4,073sf of warehouse and office space on the ground floor.
4. The latest Certificate of Occupancy (C of O) lists a boiler room and storage in the cellar, a warehouse and office on the first floor, and JLWQA units on floors two through five.
5. The LPC has issued a Certificate of No Effect for the proposed restoration work.
6. Since the year 2000, the City Planning Commission has granted 27 special permits for conversions to retail and/or residential uses in the surrounding area. In the same period of time, the Board of Standards and Appeals has granted nine variances for conversion to retail and/or residential.
7. Retail uses occupy 100% of frontages on both sides of Greene between Prince and Spring; 97.5% between Spring and Broome; and 100% between Broome and Grand. Fifty-eight percent of these stores are listed as retail on their C of O's.
8. The retail unit on the ground floor has been leased for the last eight years to a design center that sells interior and exterior architectural materials. Their lease expires in November 2017.
9. The upper floors of the building were converted to JLWQA in 1981 and all four of the artists who participated in that conversion remain tenants of the building, are the shareholders of the proposed retail space, and are in favor of the conversion.
10. The applicant is willing to place limitations in the lease regarding hours and noise to ensure that the residents above are not disturbed.

**Therefore,** CB2, Man. recommends approval of this special permit with the condition there is to be no eating and drinking retail tenant.

Vote: Passed, with 33 Board members in favor, and 1 in opposition (D. Diether).

**4. Consideration of a request that the NYC Department of Buildings amend the PW1 (Plan/Work) form's Property Owner's Statement to include JLWQA and IMD in addition to rent controlled and rent stabilized dwellings, and that better enforcement is implemented for false statements regarding occupancy.**

**Whereas:**

1. The NYC Department of Buildings currently requires a form for work applications, the DOB Plan / Work Application Form PW1, which mandates that the owner of a property shall certify, by statement and signature (and under penalty for false statements), in regard to the presence (or lack thereof) of occupied dwelling units at the property, and

2. The current text of the DOB PW1 application form has led to some confusion and reporting discrepancy in regard to Interim Multiple Dwellings (IMD), where Joint Live-Work for Artists (JLWQA) units within a building may be occupied by tenants, but those tenant occupants are not properly recorded on the PW1 application form, and
3. This has resulted in insufficiencies in the reporting of actual tenants in occupied dwellings in certain parts of New York City, so that those tenants, who have legal protections under the NYS Multiple Dwelling Law, are not adequately protected during construction within the building where such tenants reside, and
4. It is the stated mission of the NYC Department of Buildings to promote “the safety of all people that build, work, and live in New York City” and that “the Department enforces the City’s Construction Codes, Zoning Resolution, and the New York State Multiple Dwelling Law,” and
5. The current text of the PW1 application form shows, under item 26 for “Property Owner’s Statements and Signatures” as follows, with the option for the owner to mark the statement with a “Yes” or “No” response:

**26. Owner’s Certifications Regarding Occupied Housing**

The site of the building to be altered or demolished, or the site of the new building to be constructed, contains one or more occupied dwelling units that will remain occupied during construction. These occupied dwelling units have been clearly identified on the submitted construction documents.

The site of the building to be altered or demolished, or the site of the new building to be constructed, contains occupied housing accommodations subject to rent control or rent stabilization under Chapters 3 and 4 of Title 26 of the New York City administrative Code. If yes, select one of the following:

The owner is not required to notify the New York State Homes and Community Renewal (NYSHCR) of the owner’s intention to file because the nature and scope of the work proposed, pursuant to NYSHCR regulations, does not require notification.

The owner has notified the New York State Homes and Community Renewal (NYSHCR) of the it’s intention to file such construction documents/apply for such permit and has complied with all requirements imposed by the regulations of such agency as preconditions for such [filing/application].

**THEREFORE BE IT RESOLVED:** that CB2, Man. asks the NYC Department of Buildings to amend the “PW1: Work / Application Form” so that the Owner’s Statement includes information to properly identify and cover IMD tenants and/or those residing in JLWQA units, and

**BE IT FURTHER RESOLVED:**

1. That all boxes be completed before an application is processed, and
2. That necessary enforcement measures be implemented in response to false statements regarding occupants of such units.

Vote: Passed, with 30 Board members in favor, and 4 in opposition (T. Connor, R. Rothstein, R. Sanz, S. Wittenberg)

**Reference:**

DOB mission statement and DOB “PW1: Plan / Work Application” forms:

DOB – About Us: <http://www1.nyc.gov/site/buildings/about/about.page>

DOB PW1 Form: <https://www1.nyc.gov/assets/buildings/pdf/pw1.pdf>

Image of item 26 from the current “PW1: Plan / Work Application” form:

## 26 Property Owner's Statements and Signatures

- Owner's Certifications Regarding Occupied Housing**  
The site of the building to be altered or demolished, or the site of the new building to be constructed, contains one or more occupied dwelling units that will remain occupied during construction. These occupied dwelling units have been clearly identified on the submitted construction documents.
- The site of the building to be altered or demolished, or the site of the new building to be constructed, contains occupied housing accommodations subject to rent control or rent stabilization under Chapters 3 and 4 of Title 26 of the New York City Administrative Code. **If yes, select one of the following:**
- The owner is not required to notify the New York State Homes and Community Renewal (NYSHCR) of the owner's intention to file because the nature and scope of the work proposed, pursuant to NYSHCR regulations, does not require notification.
- The owner has notified the New York State Homes and Community Renewal (NYSHCR) of its intention to file such construction documents/apply for such permit and has complied with all requirements imposed by the regulations of such agency as preconditions for such [filing/application].
- Provide date NYSHCR notified:** \_\_\_\_\_

### LANDMARKS AND PUBLIC AESTHETICS

1 \*769 Greenwich St. (corner of Bank Street) - Application is to remove the existing stair bulkhead from roof terrace, extend existing elevator shaft with new bulkhead at the roof terrace, and to install a greenhouse enclosure at 3rd floor terrace.

#### **Whereas:**

- A. The rooftop of the 3<sup>rd</sup> floor rear extension is to be enclosed with a highly visible modern glass room extending 5' above the parapet.
- B. This glass addition visually detracts from the massing of the otherwise plain exterior; and
- C. The applicant's stated purpose for the addition is to make safe the roof terrace which can easily be accomplished by installing a simple, unobtrusive railing; and
- D. The elevator shaft and stair bulkhead structures are to be extended to a total of 9'-0" above the main house's roof line and 5'-6" above the parapet and is minimally visible; now

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

- A. **Denial** of the glass room on the roof of the rear extension; and
- B. **Approval** of the extension of the elevator shaft and stair bulkhead.

Vote: Passed, with 25 Board members in favor and 9 Board members in opposition (B. Riccobono, S. Russo, K. Faccini, S. Wittenberg, J. Kiely, C. Booth, R. Sanz, R. Goldberg, R. Caccapolo).

**2 \*440 W. 14th St.** - (corner of Washington Street) Application is to legalize 2 illuminated hanging signs that replaced 2 previous hanging illuminated signs.

**Whereas:**

- A. There is a violation for two hanging interior illuminated signs 2' high, 7' wide, 4" thick, and 10' above the sidewalk (one on 10th Street and one on Washington Street); and
- B. The applicant presented numerous examples of hanging signs extant in the district that are smaller and less assertive than the proposed sign; and
- C. The signs are larger than is typical for the district and the interior illumination is inappropriate for the district and calls undue attention to itself; now

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

Vote: Unanimous, with 34 Board members in favor.

**3 \*77 Washington Place (between Sixth Avenue and MacDougal Street)** – Application is to restore the street façade to its 1917 appearance and to build rooftop extensions for stair and elevator bulkheads.

**Whereas:**

- A. The street façade work is to be approved by LPC staff and is therefore not under consideration here; and
- B. The stairs are to be extended to the roof in a minimally visible bulkhead 9'-5" high and a new elevator shaft which is not visible from any public thoroughfare is to be constructed on the footprint of an existing connector corridor between the main house and the back studio building; and
- C. The chimneys are extended to be the height of the existing metal flues and create a clearly visible and unacceptable masonry mass; and
- D. The brick chimney extension does not serve to mask the bulkhead; and
- E. The use of metal flues atop original chimneys are typical to the district and satisfy the code without undue mass; and
- F. In the studio, the later addition of glass block infill is to be replaced with a full height glass facade reflecting the original design; and
- G. The proposed alteration of the intermediate rear façade retains the existing openings, changes the fenestration to French doors and casement single pane windows and diminishes the size of the skylight; and
- H. The single row of windows in the rear façade are obscured by the introduction of a elevator shaft tower which is in the footprint of the existing connector and is not visible from the street; and
- I. The alterations do not change the size of the garden or intrude on the general condition of the adjoining open spaces; now

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

- A. **Denial** of the brick chimney extension; and
- B. **Approval** of the stair bulkhead , elevator shaft , skylight , and changes in fenestration to rear intermediate facade and rear studio facade.

Vote: Unanimous, with 34 Board members in favor.

**4. \*495 Broadway** – Application is to change Broadway side windows, operation & material to aluminum clad to tilt turn windows, add façade lighting to Broadway side of building, and change lobby glass storefront and doors to improve building entrance.

**Whereas:**

- A. The building is almost totally intact as illustrated in a 1912 photograph which is presumed to depict the original condition and all subsequent alterations appear to be reversible; and
- B. The ground floor infill proposed is aluminum, modern with a too low a bulkhead, too little framing and does not reflect the historic era in either materials or design, and
- C. This architecturally significant building had, according to the 1912 photograph, four beautifully detailed bundled columns at the street level that have since been drastically and detrimentally altered; and
- D. The four base columns were modified by enclosing the original stone with steel cylinders that alter not only appearance, but the overall proportions by eliminating all details including the column base and the articulated columns; and
- E. The existing Broadway upper floor windows are painted multi lite steel windows to be replaced by single pane tilt and turn windows in aluminum with single pane glazing and transom; and
- F. Aluminum windows introduce an unacceptable modern substitute for the original wooden frames in the upper floors of the façade that is otherwise in its original condition; and
- G. The rear façade lower floor 2 over 2 windows (Mercer Street façade) are proposed to be replaced with inappropriate one over one windows matching those in the upper floors; and
- H. The proposed lighting is unobtrusive and the placement of the flagpoles compliments the building;  
now

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

- A. **Denial** of the ground floor work unless the design of the original columns be restored and thereby greatly enhance the overall appearance of this remarkable building; and
- B. **Denial** of the storefront proposal and recommend that it be modified to better reflect the original architecture of this building; and

- C. **Denial** of the aluminum window frames in the Broadway upper façade and recommends that they be in wood; and
- D. **Denial** of the one over one windows in the Mercer Street façade and recommends two over two; now
- E. **Approval** of the lighting and flagpoles

Vote: Unanimous, with 34 Board members in favor.

**5. \*36 Commerce St.** - Application to replace windows, repair stoop, and other minor modifications to the front facade; modify roof, including extension of parapets and chimney, new roof profile not to be visible from street, and new HVAC equipment; modifications to the South, west, and east facades; and modifications to the rear yard including excavation and new balcony stair.

**Whereas:**

- A. The parapet is to be raised minimally in varying amounts in order to raise roof level to bring the interior space ceiling height to code and raise chimney 18” to conform to code; and
- B. The cellar floor is to be lowered 1’-0” and the garden is to be excavated 2’-0”;
- C. The rear façade top floor windows are to be lengthened to align properly with the increased ceiling height of the top floor; and
- D. A spiral staircase from the parlor floor to the garden is space saving and prevents intruding into to egress easement.
- E. Rooftop rail, HVAC, and chimneys are very minimally visible from any public thoroughfare; now

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

Vote: Unanimous, with 34 Board members in favor.

**6 \*710 Greenwich St.** – (between West 10th Street and Charles Street) Application is to install new metal/glass storefront and minor masonry modifications to the exterior to help unify the street façade of the building.

**Whereas:**

- A. The building is an intact warehouse with loading docks and considerable historic masonry infill within the openings between the pilasters; and
- B. The proposal is to install sheet glass windows and doors in openings between the pilasters, covering the masonry infill; and
- C. The covering of the masonry infill by sheet glass gives a modern, museum like appearance to the intact industrial building and denies the clear reference to the loading door configuration; and
- D. Steel stairs with perforated risers are in keeping with the building; and

- E. Two proposed signboards are too large for the space above the ground floor and give the appearance of signs fixed to the façade rather than referencing historical sign bands; and
- F. Two blade signs of acceptable size are hung side by side between the two openings; and
- G. Acceptable lighting is to be installed on the facade; now

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

- A. **Denial** of the glass windows and doors unless they are confined to the openings between the masonry infill; and
- B. **Denial** of the signboards unless they are reduced in size to leave more masonry visible around their four edges; and
- C. **Approval** of the blade signs provided that they are hung, one on the north side of each storefront; and
- D. **Approval** of the stairs and lighting.

Vote: Unanimous, with 34 Board members in favor.

**7 \*13 Bleeker St.** – Application is to convert existing 2-family house into a single family, renovate the front and rear façades; and install new mechanical equipment and a new LULA elevator.

**Whereas:**

1. The alterations to the front facade are intended to mimic the look of the storefront in the historic tax photo and will restore the design and openings as seen in that photo; and
2. The upper windows are to be replaced by wood frame 1 over 1 windows as depicted in photo; and
3. The fire escape is to be removed; and
4. A 3' excavation is proposed for the cellar and a portion of the rear yard; and
5. The rear facade alterations, including removal of a non- original Juliet balcony and door to be replaced with a window that respects the rhythm of the rear facade, and creation of a new concrete balcony below with fixed glazing, French doors, and new stairs and railings, are intended to unify the look of the facade that has undergone many disparate modifications over time; and
6. The proposed rooftop mechanicals are not visible from the street; and
7. The new elevator shaft does not penetrate the roof; now

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

Approval of the application and commends the applicant for respecting the layered history of the building and creatively adapting the storefront facade for residential use.

Vote: Unanimous, with 34 Board members in favor.

**8 \*155 W. 11th St. a/k/a 1 7th Ave.** – Application is to change the existing terrace railing and to add a trellis on the east side of the terrace.

**Whereas:**

1. The proposed glass railing on the 15th floor terrace is minimally visible from the street, and incorporates the same detailing as some existing balconies in the building; and
2. The proposed trellis & pergola, while visible, does not appear to be out of place on the building; and
3. The applicant alluded to the fact that other occupants of the building are planning similar structures; now

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

Approval of the new railing and trellis, but is concerned about creating a pathway to future structures that may not be as consistent with the building's architecture as this one is.

Vote: Unanimous, with 34 Board members in favor.

**QUALITY OF LIFE**

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

**A. CCFC 62 Spring Street, LLC, d/b/a Chef's Club Counter, 62 Spring Street with 7 tables and 14 chairs (3516-2017-ASWC)**

**Whereas** the applicant appeared before the Committee with plan reflecting 7 tables and 14 seats, and

**Whereas** the applicant was reminded of their previous stipulations during their recent appearance before the SLA committee which reflected a plan for 6 tables and 12 seats, and

**Whereas** three members of the public in opposition to this application were present and showed photographic evidence of patron lines queuing out of the premises onto the public sidewalk, and

**Whereas** the Committee takes very seriously the concerns expressed regarding congestion in the neighborhood due to two nearby subway entrances and the Citi Bike rack at Petrosino Square, and

**Whereas** the Committee hopes DCA will discuss issues of public safety and elicit any concerns from nearby NYFD Ladder Co. 22 on Lafayette Street, and

**Whereas** the applicant assured the Committee that they had the requisite space inside the café for patrons to queue and would make every effort to avoid any line outside the café and would assign a manager to monitor and enforce the situation, and

**Whereas** the applicant assured that Committee that it would provide wait staff to serve beer and wine to the tables in compliance with SLA rules and regulations, and

**Whereas** the applicant agreed to close the sidewalk café and remove the tables and chairs by 10:00pm each evening, and



**Whereas** the applicant agreed to immediately remove any planters that were outside the premises, and

**Whereas** the applicant agreed to all the stipulations as previously agreed to with the SLA Committee including keeping the “public sidewalks clear and clean of trash in front of premises when in operation and participate in local community efforts to clean surrounding areas of take-out containers and trash generated from operations,” and

**Therefore be it resolved** that CB2, Man. recommends approval of the sidewalk café for **CCFC 62 Spring Street, LLC, d/b/a Chef’s Club Counter**, 62 Spring Street with 6 tables and 12 chairs and with a closing time of 10:00 p.m. every night.

VOTE: Passed, with 26 Board Members in favor; 5 Board Members against (T. Conner, R. Ely, E. Coler, R. Goldberg, A. Wong); and 3 Board Members abstaining (D. Diether, K. Berger, S. Secunda).

**2. FYI/Sidewalk Café:**

- **Adoro Lei, LLC, d/b/a Adoro Lei, 287 Hudson St.** with 7 tables & 14 chairs (2023067-DCA).

**Therefore be it resolved** that CB2, Man. recommends that the sidewalk café renewal be approved for **Adoro Lei, LLC, d/b/a Adoro Lei, 287 Hudson St.**, with 7 tables and 14 chairs.

Vote: Unanimous, with 34 Board Members in favor.

**3. Street Activities:**

**5/19/17 – 5/23/17 Sight Unseen OFFSITE**, 100 Avenue of the Americas between Watts St. & Grand St.

**Whereas**, the applicant stated that this is an indoor interior design showcase event to be held Friday May 19<sup>th</sup> from 9:30 to 7:00pm, Saturday May 20<sup>th</sup> and Sunday May 21<sup>st</sup> from 11:00am to 7:00pm, and Monday May 22<sup>nd</sup> from 9:00am to 5:00pm, and

**Whereas**, the applicant third party administrator licensing rules stipulate they must provide 6 bathrooms for the event, and

**Whereas**, the 2 bathrooms located inside the event space are expected to be the primary restrooms used by the anticipated 200 daily event attendees, and

**Whereas**, the 4 portable bathrooms will be delivered the day of the event and placed up against the building wall, and will be monitored by a security guard during the event and locked at night and removed the day after the event

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

VOTE: Unanimous, with 34 Board members in favor.

**5/24/17 ICFB Block Party**, Howard St. between Lafayette St. and Crosby St.

**Whereas**, the applicant failed to appear before the committee;

**Therefore**, be it resolved that CB2, Man. consider **DENIAL** of the application for the **5/24/17 ICFF Block Party**, Howard St. between Lafayette St. and Crosby St.

Vote: Unanimous, with 34 Board members in favor.

**6/4/17 Portuguese SoHo Single Block Festival**, Thompson between Spring St. and Prince St. from 11:00am to 4:00pm

**Whereas** this is the 2<sup>nd</sup> annual event celebrating the history and cultural presence of Portuguese immigrants in this community, and

**Whereas** the applicant shared her numerous works on the subject with the Committee and,

**Whereas** the event was well received last year and will again feature family group arts and crafts activities, poetry readings, some food samples made by participants (no food trucks) and perhaps a small piano to play Portuguese songs, and

**Whereas** the applicant sought the advice of the Committee and the community as to location and agreed to the suggestion made to change the event to Sullivan Street between Spring and Prince so it will cause less of a traffic problem for those in the neighborhood, and

**Whereas** the applicant agreed to contact the Mayor's Street Activity Permit Office to amend her application to Sullivan Street,

**Therefore be it resolved** that CB2, Man. recommends approval of the **Portuguese SoHo Single Block Festival** on 6/4/17 so long as the applicant resubmits their application to reflect the agreed upon change in location (from Thompson Street to Sullivan Street).

Vote: Unanimous, with 34 Board members in favor.

**10/14/17 Village Crosstown Trolley**, Astor Place Festival, Astor Place between Broadway and Lafayette St.

**Whereas** the applicant has held this event for some twenty years to distribute literature in hopes of raising awareness and gaining support for his vision of a light rail system between E. 10<sup>th</sup> Street, St. Mark's Place and the 8<sup>th</sup> Street corridor via Christopher Street, and

**Whereas** CB2, Man. has previously denied this same applicant, and

**Whereas** members of the committee were supportive of the idea of alternative modes of transportation, but felt that closing down a city block for an annual fundraiser was not in the best interest of the neighborhood.

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

Vote: Passed, with 34 Board members in favor and 1 Board member opposed (J. Gallagher).

## **FYI/Renewal Street Activities:**

- **6/11/17 – Housing Works Open Air Street Fair 2017**, 126 Crosby St. between E. Houston St. and Prince St.
- **6/20/17 – Hudson Park Library Summer Reading Kick Off Party**, Leroy St. between 7<sup>th</sup> Ave S. & Hudson St.
- **8/27/17 – Transportation Alternatives 4<sup>th</sup> Avenue Festival** (co-sponsored event with CB3) 4<sup>th</sup> Avenue between East 9<sup>th</sup> Street and East 14<sup>th</sup> Street

**Therefore be it resolved** that CB2, Man. consider approval of these renewals.

Vote: Unanimous, with 34 Board members in favor.

## **SLA LICENSING**

### **1. Luxor Lounge, Inc., d/b/a N/A, 118 MacDougal St. 10012 (OP – Corporate Change)**

**A. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present a corporate change application for an existing on-premise liquor license SN# 1185483 changing ownership in an existing corporation so that an existing Corporate Officer (Olga Rozinha) will have 100% ownership and shares of the existing corporation; the premises will continue to be operated with the same method of operation as a Lounge; and,

**B. Whereas**, the premises is located on MacDougal Street between Bleecker and West 3<sup>rd</sup> Streets on the ground floor in a mixed-use building in a Landmark Historic District in Greenwich Village with a total occupancy of 74 people, in a 2,500 square foot space with one bar with 6 seats, 25 tables with 41 seats for a total of 47 interior seats; and

**C. Whereas**, the hours of operation will continue to be from 4 PM to 2AM Sunday through Thursday and from 4 PM to 4 AM Fridays and Saturdays, music will be from ipod/cd’s at background levels only, there is existing soundproofing, there is two security officers on the weekends until closing, there is no live music, no DJ’s, no promoted events, no scheduled performances, no cover fees, no velvet ropes, no movable barriers, there will be no outside area or sidewalk café used for the sale or consumption of alcoholic beverages, food is served at all hours of operation, there will be no more than 2 TVs without sound and all doors and windows will be closed at all times; and

**D. Whereas**, the Principle executed a stipulations agreement with CB2, Man. that they agreed would be attached and incorporated in to their method of operation on their SLA restaurant on-premise liquor license as follows:

1. Premise will be advertised and operated as a lounge.
2. The hours of operation will be from 4 PM to 2AM Sunday through Thursday and from 4 PM to 4 AM Fridays and Saturdays. All patrons will be cleared and no patrons will remain after stated closing times.
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 more than 2 televisions and without sound.
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 or patron seating.

7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at any time.
8. The premises will not have DJ's, live music, or promoted events.
9. The premises will close all doors and windows at all times. There will not be French doors, operable windows or open facades.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the corporate change application for the existing on-premise liquor license SN#1028435 for **Luxor Lounge, Inc., d/b/a N/A, 118 MacDougal St. 10012** **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 Liquor License.

Vote: Unanimous, with 34 Board members in favor.

**2. Coriander Factory Inc., d/b/a Bo Caphe, 222 Lafayette St. South Store 10012** (Alteration Application)

**A. Whereas**, the applicant and his attorney appeared before CB2's SLA Committee for the purpose of seeking an alteration to an existing liquor license to open its storefront façade and increase the number of tables and patron seats within the storefront while continuing to operate a restaurant serving French Vietnamese fare within a 1,030 sq. ft. storefront premises on the ground floor of a mixed-use, six-story building on Lafayette Street between Spring and Kenmare Streets just across the street from Petrosino Square; and,

**B. Whereas**, the restaurant has been open and operated for approximately two years and when the operator originally appeared before CB2, Man. for its Restaurant Wine license in 2014 there was significant community opposition to the licensing of these premises, the storefront premises having previously to 2014 been occupied and operated as a "Subway" sandwich shop and never previously licensed for the service of alcohol, this particular storefront premises also being the last storefront running along the west side of Petrosino Square that has not been licensed for the service of alcohol over the last 10 years; and,

**C. Whereas**, over the objection of CB2, Man. in 2014 the operator also renovated the storefront premises by installing bi-folding French style doors that opened up the entire interior of the business to the public sidewalk and moved forward with a sidewalk café where none had previously existed knowing that, with counsel present and guiding him through the process these significant impacts on the community of the open façade and outdoor dining would not be subject to the 500 foot rule or the public interest standard; and,

**D. Whereas**, despite such opposition to the licensing of these particular premises in 2014 and a recommendation from CB2, Man. to deny the Restaurant Wine license in 2014, the license was permitted by the SLA as the license sought at that time was for Beer and Wine and not subject to the 500 foot rule; and

**E. Whereas**, in December/2016 the applicant presented an application to upgrade his Restaurant Wine license to a full on-premise license subject to the 500 ft. rule, the recommendation from CB2, Man. at that time being negative and to deny the upgrade application for the reasons stated within a resolution presented to the NYS SLA in December/2016; and,

**F. Whereas**, the instant application seeks to obtain approval of an open façade two years after it was constructed, on its own motion, without permission and over the strenuous objection of CB2 Man., this application seeking only to try to establish conformity with the 500 ft. rule while its upgrade application is still pending before the NYS SLA; and,

**G. Whereas**, the additional seats sought to be added are also objectionable, those seats facing out from the open façade to the public sidewalk, exacerbating the impact of the open façade facing the public sidewalk and park across the street; and,

**H. Whereas**, the surrounding area around Petrosino Square is already greatly saturated with liquor licenses, there being many taverns, bars, cafes, restaurants and other late night establishments already existing in this area, with 18 existing on premise licenses within 500 ft. of the subject premises, 38 existing on premise licenses within 750 ft. of the subject premises, with 3 additional on premise license pending with the NYS Liquor Authority, without even including the vast numbers of eating and drinking establishments in the area holding beer and wine licenses, this particular café serving Vietnamese fare not being unique in lower Manhattan or serving a public interest for the surrounding community already greatly saturated with liquor licenses and eating and drinking establishments in contrast to an ever increasing, on-going need for other supplemental business services in the area designed to service the local community;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial for **Coriander Factory Inc., d/b/a Bo Caphe, 222 Lafayette St. South Store 10012** on its application seeking an alteration to its existing license.

**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 35 Board members in favor.

**3. Gino Sorbillo Bowery, 334 Bowery 10012** (RW – Restaurant/Pizzeria)

**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 new Restaurant Wine license to operate a Restaurant specializing in Pizza Napolitano within a ground floor storefront located in a eight-story mixed-use building (Circa 1909) located on the Bowery between Bond and Great Jones Streets in Noho; and

**B. Whereas**, the premises was previously operated as a Pizzeria Restaurant known as Forcella 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, there being a letter of no objection presented permitting such use and occupancy thereat; and

**C. Whereas**, the storefront premises is approximately 2,800 Sq. ft. (2,200 Sq. ft. ground floor restaurant and 800 Sq. Ft. basement, the basement not being for patron uses), there is a full service kitchen with existing Pizza oven, two patron bathrooms, one bar with 7 patron seats and 12 tables with 46 patron table seats for a total patron seating capacity at 53, there will be a sidewalk café with 5 tables and 10 seats but no other outdoor areas for patrons; and

**D. Whereas**, the hours of operation will be from 12 PM to 12 AM Sunday through Saturday, 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 by 10 PM, the sidewalk café will close by 11 PM every night and 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 Pizzeria Restaurant.
2. The hours of operation will be from 12 PM to 12 AM 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 sidewalk cafe will close by 11 PM every night.
7. There will be sandwich boards or A-Frames on the public sidewalk.
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. The operator will not install French doors, operable windows or open facades and will close at existing doors and windows by 10 PM every night.
11. 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 **Gino Sorbillo Bowery, 334 Bowery 10012** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” on the Restaurant Wine License.

Vote: Unanimous, with 34 Board members in favor.

**4. Megapie Greenwich, Inc., d/b/a Pieology, 168 Bleecker St. 10012** (Restaurant Wine—previously unlicensed location)

**A. Whereas**, the applicant and 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 a pizzeria restaurant (where patrons design and made their own pizza to consume) in a storefront location previously operated as a Nail Salon, the storefront being within 7 story mixed use building (Circa 1910) on Bleecker Street at the corner of Sullivan Street in a Landmarked Historic District; and

**B. Whereas**, the applicant has submitted construction plans to the NYC Dept. of Buildings to obtain all necessary permits to gut renovate the premises and obtain a certificate of occupancy to occupy and use the storefront for eating or drinking uses, the location having never previously been licensed for the sale of liquor, there being no plans presented or intention to install any open façades to the public sidewalk; and

**C. Whereas**, the storefront premises is approximately 2,000 Sq. ft., there being entrances to the premises on Sullivan Street and on Bleecker Streets, the plans to renovate presented include two patron bathrooms, the addition of soundproofing to protect the residences located immediately above the storefront premises, one counter with no patron seats, 16 tables with 42 patron seats for a total patron seating capacity at 42, there will be no sidewalk café and no other outdoor areas for patrons; and,

**D. Whereas**, the hours of operation will be from 10 AM to 12 AM Sunday through Wednesday and from 10 AM to 4 AM Thursday through Saturday, there will be TV monitors without sound no greater than 42 inches width that will not be connected to a TV cable service and will be used to promote/demonstrate how to make pizza to patrons, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at all times, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**E. Whereas**, the Bleecker Area Merchants and Residents Association (“BAMRA”) appeared in opposition to this application and to the service of alcohol until 4 AM Thursday through Saturday, the storefront location being in one of most saturated areas in CB2, Man. for liquor licenses and late night bars; and

**F. Whereas**, the applicant understood the concerns of BAMRA and CB2, Man. that this particular area was already greatly saturated with liquor licenses and late night bars, so it agreed not to serve any alcoholic beverages after 12 AM every night but requested to remain open and operating until 4 AM to serve pizza (food only) to patrons; and,

**G. 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 restaurant specializing in making your own pizza).
2. The hours of operation will be from 10 AM to 12 AM Sunday through Wednesday and from 10 AM to 4 AM Thursday through Saturday but the service of alcohol will cease and end every night by 12 AM.
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 two monitors without TV or cable service.
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. Soundproofing will be installed and 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 close all doors and windows at all times. There will not be French doors, operable windows or open facades. There will be no pitchers of beer.
10. A certificate of occupancy of letter of no objection permitting use and occupancy for eating and drinking will be issued before opening/licensing is issued.
11. The entrance(s) on Sullivan Street will not be used by patrons after 12 AM every night; and

**H. 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 **Megapie Greenwich, Inc., d/b/a Pieology, 168 Bleecker St. 10012** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the Restaurant Wine License.

Vote: Passed, with 31 Board members in favor, and 4 in opposition (K. Berger, E. Coler, D. Diether, S. Russo).

**5. Wild Kitchen Corp d/b/a Bowlin, 27 Waverly Pl. 10013 (New Restaurant Wine)**

**A. 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 to operate a fast casual Korean fusion restaurant with BBQ sauces within a ground floor storefront located in a twenty-story mixed use building (Circa 1930) located on Waverly Place between Greene Street and University Place in Greenwich Village; and

**B. Whereas**, the premises was previously operated as Friends Café and Deli and the applicant has already been for the last year operating his Restaurant without any license to sell alcohol and will continue to operate with the same method of operation with all exterior facades (windows and doors) remaining fixed and not operable and there being a certificate of occupancy presented permitting eating and drinking on the ground floor; and

**C. Whereas**, the storefront premises is approximately 540 Sq. ft., one patron bathroom, one food counter with 3 patron seats, 4 tables with 10 patron table seats for a total patron seating capacity at 13, 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 9 PM Sunday through Saturday, 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 fast casual Korean fusion Restaurant.



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 **Wild Kitchen Corp d/b/a Bowllin, 27 Waverly Pl. 10013** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the Restaurant Wine License.

Vote: Unanimous, with 35 Board members in favor.

**6. KLK Chinese Restaurant, Inc., d/b/a Red Egg, 202 Centre St. 10013** (New OP – Previously Licensed location)

**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 a new restaurant on premise liquor license for a previously licensed location to operate a "Hong Kong style dim sum and Cantonese style" restaurant serving lunch and dinner; and

**B. Whereas**, the premises has been previously operated for years as Red Egg, a full service Restaurant with an on-premise license (202 Centre Corp.; lic. #1206246, exp. 6/30/2016) and the applicant will continue to operate the premises as a Restaurant with a full service kitchen, with a similar method of operation, albeit under new ownership, with a similar menu, many of the existing staff to remain and similar closing hours; and

**C. Whereas**, this application is for an on premise liquor license located in a mixed use 6 story mixed use building (Circa 1912) located on the ground floor and basement on Centre St. between Hester and Grand Sts. for a 6,374 sq. ft. premises with 35 tables and 129 table seats and 1 standup bar with 8 seats for a seating occupancy of 137 interior seats, this application does not include a sidewalk café and there are no other outdoor areas for patrons; and,

**D. Whereas,** the hours of operation will be Sunday through Saturday from 10 AM to 11 PM, 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 10 p.m. 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 will be no TV's; and,

**E. Whereas,** there is a history of problems at this location with the prior owner permitting late night parties beyond the stated hours of operation with DJs in derogation of its method of operation as a restaurant and the current applicant, having been fully briefed on those problems agreed that it would never operate in that manner in the future at this location should his license be approved, albeit with limitations and enforceable stipulations being agreed to herein; and,

**F. Whereas,** this same applicant previously appeared before CB2, Man. in May/2016, albeit with different representation and was not able to move forward with his application at the NYS SLA, this being his second appearance before CB2, Man., the prior resulting in an deny/unless resolution from CB2, Man. with stipulations consistent with the current application; and,

**G. 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 into the method of operation on the restaurant on premise license stating that:

1. The premises will be advertised and operated as a full service Cantonese restaurant specializing in Dim Sum with a full service kitchen and will operate at all times as a full service restaurant.
2. The hours of operation from Sunday through Saturday from 10 AM to 11 PM.
3. The premises will never operate as a Night Club, Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
4. All doors and windows will close by 10 PM every night.
5. There will be no outdoor service and no sidewalk café.
6. Music will be quiet, background level inside the restaurant and bar and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
7. There will be no televisions.
8. The premises will not permit dancing.
9. There will never be any after-hour events.
10. There will be no all you can eat/all you drink specials or pitchers of beer.

**H. Whereas,** there are currently approximately 23 On Premise Liquor Licenses within 500 ft of the premises, an unknown number of beer and wine licenses and 34 On Premise Liquor Licenses within 750 ft of the premises; and

**I. Whereas,** there is a public school PS 130 The Desoto School at 143 Baxter nearby that could be within 200 feet of the existing premises;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant On Premises Liquor License for **KLK Chinese Restaurant, Inc., d/b/a Red Egg, 202 Centre St. 10013** **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;

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. recommends the State Liquor Authority measure and calculate the distance between PS 130 The Desoto School and 202 Centre Street to determine whether the distance between the existing School and the applicant's premises does not violate the 200 ft. rule;

Vote: Unanimous, with 35 Board members in favor.

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

**7. The Egg Shop LES, LLC, d/b/a N/A, 151 Elizabeth St. 10012 (add SWC; laid over)**

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on April 12, 2017, the Applicant requested **to lay over** its application and presentation before CB2 Man. until May/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 **The Egg Shop LES, LLC, d/b/a N/A, 151 Elizabeth 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 35 Board members in favor.

**8. South Village Hospitality Group, LLC, d/b/a Carroll Place, 157 Blecker St. 10012 (extend SWC hours-layover requested prior to meeting)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on April 12, 2017, the Applicant was not prepared to present his application and requested **to lay over** this application for an on premise license to May/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 **South Village Hospitality Group, LLC, d/b/a Carroll Place, 157 Blecker St. 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 35 Board members in favor.

**9. D. Elwell on behalf of an entity to be formed, d/b/a TBD, 78 W. 3rd St. 10012 (RW – Café/Coffee Shop) (laid over)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on April 12, 2017, the Applicant requested **to lay over** this application for an on premise license to May/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 **D. Elwell on behalf of an entity to be formed, d/b/a TBD, 78 W. 3rd St. 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 35 Board members in favor.

**10. BAB Food, LLC, d/b/a TBD, 130 W. Houston St. 10012 (aka 168 Sullivan St.) (OP – Restaurant) (laid over)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on April 12, 2017, the Applicant requested **to lay over** this application for an on premise license to May/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 **BAB Food, LLC, d/b/a TBD, 130 W. Houston St. 10012 (aka 168 Sullivan St.)** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 35 Board members in favor.

**11. International Center for Photography and Maman Tribeca, LLC, d/b/a International Center of Photography and Maman at ICP, 250 Bowery 10012 (OP-Café & Museum)**

**A. Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on April 12, 2017 the Applicant served a 30 day notice on CB2 Man. seeking to add International Center for Photography ("ICP") as a licensee to a pending on premise license before the NYS SLA, the prior application being for an on-premise license by a separate and different entity, with separate ownership and previously identified and known as Maman at ICP; and

**B. Whereas**, Maman at ICP previously presented to CB2, Man. in Sept./2016 as the sole licensee for the premises resulting in a deny/unless recommendation from CB2, Man. in Sept./2016; and.

**C. Whereas**, upon information known and published to CB2, Man., Maman at ICP will no longer have any ownership, management or control in the future over the day to day operations for the premises to be licensed; and,

**D. Whereas**, because of the 100% change and transfer of the pending license from Maman at ICP to ICP, CB2, Man. requested that ICP appear before CB2 Man.'s SLA Licensing Committee, placing it on its Calendar and Meeting on April 12, 2017; and,

E. **Whereas**, prior to CB2, Man.'s SLA Licensing Committee on April 12, 2017, the attorney representing ICP indicated that ICP would not be able to appear but would appear before CB2, Man. in May/2017 and that ICP would be agreeing to the same stipulations and agreement with CB2, Man. that Maman at ICP had previously agreed to;

**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 **International Center for Photography and Maman Tribeca, LLC, d/b/a International Center of Photography and Maman at ICP, 250 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 35 Board members in favor.

**12. Good Luck Ribbon Corp., d/b/a N/A, 14 Bedford St. 10014 (RW – Restaurant with Bar)**

i. **Whereas**, the applicant appeared before CB2's SLA Licensing Committee in April/2017 to present an application for a new restaurant wine license operating until 1AM 7 days a week in a previously unlicensed location to operate an "Italian restaurant serving food, beer, wine and other beverages" on a residential street in a residentially zoned block within a historic district where no eating and drinking use had previously existed; and,

ii. **Whereas**, after presenting before CB2, Man. in April/2017, the applicant withdrew this application for a restaurant wine license from consideration at these premises after CB2's SLA Licensing Committee had voted unanimously to recommended denying the proposed restaurant wine application, but prior to its presentation to the full board of CB2 for a vote; and

iii. **Whereas**, there are questions about the accuracy of materials presented, there is significant community opposition to this application specifically because of concerns that the applicant has not been straight forward with residents about their intentions at this location, there were a number of discussions about the proposed operation and how it would operated with local residents but it was not clear to CB2 if this location would be for special events only, for groups only or for regular dining open to the public, residents submitted correspondence and appeared in opposition stating among other things that this location had never been previously licensed, that this residential block already suffers greatly from quality of life issues from the proliferation of SLA Licenses in this residentially zoned area, that the nature of the narrow streets and sidewalk simply cannot absorb another evening operation with the accessory impacts on quality of life; the applicant already infringes on quality of life on the block through their operation located directly across the street which is a licensed on-premise restaurant; that there are 17 vacancies on 6<sup>th</sup> and 7<sup>th</sup> Avenues in the immediate area which are more properly suited to this type of new use; that the Applicant has an adverse history with residents and CB2 at another of their licensed locations within CB2 which has been the subject of resolutions from CB2 to the liquor authority which revolve around non-adherence to stipulations; it was previously brought to CB2's attention in March 2017 that there were irregularities with a petition which was submitted to CB2 in support and the applicant did not address those irregularities but instead dismissed them off hand; the irregularities included a number of signatures with addresses that do not appear to exist and what appears to be information filled in for many people by a single person;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed restaurant wine license or on premise liquor license for **Good Luck Ribbon Corp., d/b/a N/A, 14 Bedford St. 10014** at this time and requests that the Applicant return to CB2 at the regularly scheduled May CB2 SLA Licensing Committee #2 meeting to present their application for a restaurant on-premise liquor license; and

**THEREFORE BE IT FURTHER RESOLVED THAT** CB2, Man. respectfully requests that the SLA send this Applicant back to CB2 should this application or any application by this Applicant at this location proceed directly to the SLA without the Applicant appearing in May/2017 before CB2 prior to the Liquor Authority making any determinations in order that this important step in the liquor licensing process not be avoided and that the concerns of the Community be fully heard.

**VOTE: THE ABOVE RESOLUTION WAS WITHDRAWN AND NO VOTE WAS TAKEN.**

**13. FiftyTwo Merchants, LLC, d/b/a Pisellino, 52 Grove St. 10014 (OP-Restaurant)**

**i. Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee #2 to present an application to the Liquor Authority for a new on-premise liquor license for a “small café fashioned in the tradition of fine Italian cafes and bars featuring pastry, panini, Italian snacks and serving coffees, fresh juices, beer, wines and cocktails throughout the day”; and

**ii. Whereas**, the premises is a previously licensed location in a mixed use commercial/residential building located on the ground floor on the Southwest corner of 7<sup>th</sup> Avenue South and Grove St., it is roughly 800 sq. ft. premise (650 sq. ft. ground floor and 150 sq. ft. basement - accessory use only) with 7 tables and 16 seats, one standup bar with 9 seats and 1 counter with 5 seats for a total of 30 interior seats; there will be a future Department of Consumer Affairs licensed sidewalk café – a rough plan was presented but was not complete; there is an existing Certificate of Occupancy; and,

**iii. Whereas**, the hours of operation for the interior of the premises will be from 7AM to 1AM (no patrons will remain after closing time), the future Sidewalk café presented in this application will close no later than 11PM 7 days a week (all tables and chairs will be removed at that hour), all doors will be closed by 10PM daily, all windows will be closed at all times as there will be no operable facades (any changes to the façade will not include operable windows), music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**iv. Whereas**, it was noted that the rough plan presented for the proposed future sidewalk café was incomplete and did not include sidewalk obstructions which are applicable to DCA sidewalk licensing regulations and that any future review of inclusion of a sidewalk café into the liquor license should include a schematic for the sidewalk café which has been approved by the New York City Department of Consumer Affairs and reflect all sidewalk obstructions along the Grove St. facade; and

**v. 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 new restaurant on-premise liquor license stating that:

1. Premise will be advertised and operated as a small full service fine café fashioned in the tradition of fine Italian cafes and bars.

2. The hours of operation will be on Sunday from 7AM to 1AM 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 (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, live music, cover charges or promoted events.
9. The premises will close all doors and windows at 10PM and anytime there is amplified music. There will be no French doors, operable windows or open facades.
10. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
11. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
12. There will be no operable windows.
13. Sidewalk Café will close at 11PM 7 days a week (all tables and chairs will be removed at that hour).

**vi. Whereas**, the two Principles also operate 3 other licensed restaurants within CB2, Man., they presented a petition in support with signatures gathered at their other restaurants and presented a letter in support from the local block association; and,

**vii. Whereas**, there are currently approximately 41 On Premise Liquor Licenses within 500 ft of the premises and an unknown number of beer and wine licenses; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new on premise liquor license for **Fifty Two Merchants, LLC, d/b/a Pisellino, 52 Grove 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: Unanimous, with 35 Board members in favor.

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

**14. Smorgasburg Events, LLC, d/b/a N/A, 76 Varick St. 10013 (OP - Outdoor food & Shopping court with bar and outdoor seating, entertainment level music, live music, special events, private parties - Layover)**

**Whereas**, at this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on April 13<sup>th</sup>, 2017, the Applicant agreed to return and appear before CB2, Manhattan’s SLA Licensing Committee #2 in May 2017 in order to among other things conduct a zoning analysis to determine if the proposed use is in fact an allowable use and if so what capacity the premises can operate at, to determine who owns/controls/allowable use of an adjoining parcel of land which was previously a portion of Avenue of the Americas (formerly known as Sullivan Street) from Canal Street to Grand Street that is in the process of/has been de-mapped and subject to a number of land transactions and easements, to determine if they

are able to use that land that was previously Sullivan St/Avenue of the America's extension in order to access the proposed location as the current proposed plans are predicated on this access, and to further develop how special events will be conducted at the location; they will appear to re-present the application with the additional information 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 Smorgasburg Events, LLC, d/b/a N/A, 76 Varick 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 35 Board members in favor.

**15. Entity to be formed by Derek Feldman, d/b/a N/A, 210 W. 10th St. 10014 (RW-Layover)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on April 13<sup>th</sup>, 2017, the Applicant requested to **layover** 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 Entity to be formed by **Derek Feldman, d/b/a N/A, 210 W. 10th 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 35 Board members in favor.

**16. DBT Inc., d/b/a N/A, 26 Carmine St. 10014 (RW-Layover)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on April 13<sup>th</sup>, 2017, the Applicant requested to **layover** 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 **DBT Inc., d/b/a N/A, 26 Carmine 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 35 Board members in favor.

**17. E. Admony on behalf of an entity to be determined, d/b/a TBD, 125 Christopher St. aka 502-508 Hudson St. 10014 (RW-Withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on April 13<sup>th</sup>, 2017, the Applicant requested to **withdraw** this application for a new restaurant wine license;

**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 **E. Admony on behalf of an entity to be determined, d/b/a TBD, 125 Christopher St. aka 502-508 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 35 Board members in favor.

**18. Big Ciccio Corp. or Entity to be formed, d/b/a Big Ciccio, 112-114 Perry St. 10014 (OP-Layover)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on April 13<sup>th</sup>, 2017, the Applicant requested to **layover** this application for a new on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting 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 **Big Ciccio Corp. or Entity to be formed, d/b/a Big Ciccio, 112-114 Perry 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 35 Board members in favor.

**19. 29-33 Ninth Avenue, LLC, d/b/a TBD, 29-35 Ninth Ave. 10014 (OP-Layover)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on April 13<sup>th</sup>, 2017, the Applicant requested to **layover** this application for a new on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting 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 **Big Ciccio Corp. or Entity to be formed, d/b/a Big Ciccio, 112-114 Perry 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 35 Board members in favor.

## **TRAFFIC AND TRANSPORTATION**

**Resolution requesting repair of existing speed hump and the construction of an additional speed hump on St. Luke's Place, between 7<sup>th</sup> Avenue South and Hudson Street to mitigate speeding vehicles in a high volume pedestrian trafficked street housing a library, park, and ball field on the south side of the street.**

**Whereas** motor vehicles, including big trucks heading for the FedEx and UPS terminals located down the block on Leroy Street, are speeding west on St. Luke's Place; and

**Whereas** there is only one speed hump located in the middle of the block which is in a degraded condition due to snow plow and vehicular wear and tear, and in need of immediate repair; and

**Whereas** testimony from residents cited that vehicular traffic has been recorded to move above the 20 mph speed limit of the Slow Zone, which is a result of vehicles speeding off 7<sup>th</sup> Avenue South making a right at St. Luke's which leads to what is a blind corner; and

**Whereas** St. Luke's Place between 7<sup>th</sup> Ave. South and Hudson Street is considered to be a Slow Zone, but it is incomplete; and

**Whereas** there is a library entrance with elementary school students and no signage alerting vehicles to pedestrians crossing; and

**Whereas** it is the opinion of NYC Dept. of Transportation (DOT) Manhattan Deputy Borough Commissioner Ed Pincar that before a new speed hump can be created, driveways, parking and other physical attributes of the block need to be considered; and

**Whereas** the DOT is not in favor of adding more signage that studies have shown to distract drivers and detract from the beauty of a historic block like St. Luke's Place; and

**Whereas** the street is in need of new pavement after a punishing winter; and

**Whereas** St. Luke's Place Block Association and Friends of JJ Walker Park attended the meeting and are in favor of slowing down traffic that enters St. Luke's Place off 7<sup>th</sup> Avenue;

**Therefore be it resolved** that CB2, Man. asks DOT to consider adding a speed hump either at the intersection of 7<sup>th</sup> Avenue and St. Luke's Place as a raised crosswalk or in an appropriate place on St. Luke's Place as close to 7<sup>th</sup> Avenue South as possible without disturbing curb cuts and driveway access points; and

**Be it further resolved** that CB2, Man. requests repaving of St. Luke's and renovation of the existing speed hump with a new paint job and customary signage to warn drivers of the speed hump; and

**Be it further resolved** that CB2, Man. suggests the NYC Dept. of Transportation eliminate parking up to the corner of St. Luke's and 7th Ave. S. on the south side and replace it with an epoxy gravel sidewalk extension (pedestrian space) defined and protected by flexible delineators, planters and other possible delineating features; and

**Be it further resolved** that CB2, Man. requests that St. Luke's Place between 7<sup>th</sup> Ave. South and Hudson Street become a full Slow Zone with all Slow Zone elements, such as gateway treatment and 20 mph signage and that all existing Slow Zone signs be refreshed along with installation of new ones; and

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

Vote: Unanimous, with 34 Board Members in favor.

Respectfully submitted,

Keen Berger  
Secretary  
Community Board #2, Manhattan