

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



**Antony Wong**, *Treasurer*  
**Valerie De La Rosa**, *Secretary*  
**Amy Brenna**, *Assistant Secretary*

## Community Board No. 2, Manhattan

3 Washington Square Village  
NEW YORK, NY 10012-1899  
[www.cb2manhattan.org](http://www.cb2manhattan.org)

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

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

August 5, 2020

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

Dear Sir/Madam:

At its Full Board meeting on July 23, 2020, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

- 1. Soho Grand Hotel, Inc. d/b/a Soho Grand Hotel 310 West Broadway 10013** (existing hotel OP license seeking corporate change)
  - i. Whereas**, the applicant appeared before CB, 2 Manhattan's SLA committee in July 2020; and
  - ii. Whereas**, the applicant operates a 16-story hotel (circa 1996) on West Broadway between Canal and Grand Streets and is seeking a corporate change for its existing OP license (#1023301 exp. June 30, 2021) to add intermediary entities to its organizational chart; and
  - iii. Whereas**, CB2, Man. originally recommended to approve the Hotel's existing license in May 1996; and
  - iv. Whereas**, the Hotel returned to CB2, Man. SLA committee in April 2015 seeking to alter its existing On Premise license (#1023301 exp. June 30, 2015) limited to the interior of the premises in order to convert a service bar to a stand up bar and add two additional rooms (2500 sq. ft. combined) to the then-existing license and these rooms are located on the interior ground floor (grade level) connected to a grand hallway; and
  - v. Whereas**, at that time the applicant executed a stipulation agreement with CB2, Man. with regard to its uses and method of operation for the interior of the Hotel and agreed the stipulation agreement would be attached and incorporated into their method of operation on their existing On-Premise license; and

vi. **Whereas**, the Hotel again returned to CB2, Man. SLA committee in May 2015 to add and extend the licensed premises to include an exterior 5,479 sq. ft. side yard located on the adjacent south side of the Hotel, and the applicant executed a stipulation agreement with CB2, Man. with regard to its uses and method of operation for the exterior side yard that the Hotel and its counsel agreed would be attached and incorporated in to their method of operation on their existing On Premise license (#1023301 exp. June 30, 2015); and

vii. **Whereas**, at CB2, Man. July/2020 SLA committee meeting the Attorney for the Hotel stated there would be no change in the method of operation and agreed to keep the existing stipulations in place for both the interior and exterior portions of their existing On-Premise Hotel license;

**THEREFORE BE IT RESOLVED** that CB2, Manhattan recommends **denial** of the corporate change of the existing On Premise license for **Soho Grand Hotel, Inc., d/b/a Soho Grand Hotel, 310 West Broadway 10013** **unless** the statements the applicant presented are both accurate and complete, and that those conditions and stipulations agreed to by the applicant are incorporated into the “Method of Operation” on the Hotel OP license (#1023301 exp. June 30, 2021).

Vote: Unanimous, with 43 Board members in favor.

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Dear Sir/Madam:

At its Full Board meeting on July 23, 2020, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**2. Entity to be formed by Adam Fulton & Gavin Mosely d/b/a Daddy-O's, 44 Bedford Street 10014 (New OP, Tavern)**

- i. Whereas**, the Applicant and their attorney along with one of the owners of the building (Greg Hunt) appeared before Community Board 2, Manhattan's SLA Committee to present an application to the NYS Liquor Authority for an on-premise license to operate a neighborhood restaurant and tavern serving casual food in a C2-6 zoned 4-story, 1860's mixed-use building on Bedford Street at the southeast corner of Bedford Street and Leroy Street (aka 38 Leroy Street, Block #586/Lot #5) in the Greenwich Village Historic District Extension II; and
- ii. Whereas**, the premises to be licensed consists of an approximately 1,100 sq. ft. ground floor and 600 sq. ft. basement, with 10 tables and 24 seats with one (1) bar and 12 seats for a total patron occupancy of 36, there is no sidewalk café now or in the future and no exterior areas for the service of alcohol; and
- iii. Whereas**, the premises has been licensed since 1998 and has been operated until recently as a tavern and bar by the same name (Daddy-O's) with an OP license since 2005 (#1171555), it was unclear if the recent closure of the tavern was due to Covid-19 or other circumstances, the applicant intends to keep the same name, the same menu, hoping to hire a lot of the same employees and follow a similar method of operation; and
- iv. Whereas**, the hours of operation for the premises will be 11:00 AM to 2:00 AM Sunday to Wednesday and 11:00 AM to 4:00 AM Thursday to Saturday (all patrons will be cleared from the premises and no one will remain after stated closing time), the kitchen will be open with full menu items available until closing every night, music will be recorded, quiet background music only, there

will be no more than three (3) television(s) no larger than 46", all doors will be closed at all times except for patron ingress and egress, all windows will be closed by 9:00 PM every night or anytime the televisions have sound on, will comply with all landmarks requirements before installing new windows, there will be no DJs, no promoted events, no scheduled performances or cover fees, no velvet ropes or moveable barriers; and

**v. Whereas,** the Applicants stated they wished to replace the existing casement windows located on both Bedford and Leroy Streets with better insulated, operable windows of the same style, there was concern expressed by the community that operable windows will be a disturbance to others in the area, this being a highly residential neighborhood, the building being located on a narrow street comprised of old tenement buildings, there being another late night bar across the street that leaves its door open and causes considerable disturbance to area residents; and

**vi. Whereas,** the Applicants own other restaurants in CB2, Man. with one receiving many complaints about open windows, crowds and noise which the applicants stated they have tried to address, that many of the issues arise because of the specific 2<sup>nd</sup> floor location of that establishment above another restaurant, that being one of the Applicants first restaurants; and

**vii. Whereas,** the Applicant has executed and has had notarized a Stipulations Agreement with CB2, Man. which will be incorporated into the Method of Operation of the On-premise License, with those stipulations as follows:

1. Premise will be advertised and operated as a neighborhood restaurant and tavern serving food during all hours of operation.
2. The hours of operation will be Sunday to Wednesday from 11:00 AM to 2:00 AM and Thursday to Saturday from 11:00 AM to 4:00 AM.
3. Will operate with the kitchen open and the full menu available until closing every night.
4. Will have no more than three (3) televisions no larger than 46" (there will be no projectors).
5. Will not operate a backyard garden or any outdoor area for commercial purposes.
6. Will not have a sidewalk café now or in the future.
7. Will play quiet, ambient, recorded background music only. No music will be audible in any adjacent residences anytime
8. Will close all doors at all times except for patron ingress and egress.
9. All windows will be closed by 9:00 PM every night OR anytime that televisions have sound on.
10. Will not install operable French doors.
11. Will comply with all landmarks requirements before installing new windows.
12. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
13. Will not have unlimited drink or unlimited food and drink specials. Will not have "boozy brunches." No pitchers of beer.
14. There will be no "bottle service" or the sale of bottles of alcohol except for the sale of bottles of wine products.
15. Will not have: dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel or a doorman.

**THEREFORE, BE IT RESOLVED** that CB2, Man. recommends **denial** of the new restaurant on-premise license for **Entity to be formed by Adam Fulton & Gavin Moseley, d/b/a Daddy O's, 44 Bedford Street, 10014** **unless** the statements presented by the Applicant are accurate and complete, and that the above-stated conditions and stipulations agreed to by the Applicant are incorporated into the "Method of Operation" on the SLA Restaurant On-Premise License.

Vote: Unanimous, with 43 Board members in favor.

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August 5, 2020

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

Dear Sir/Madam:

At its Full Board meeting on July 23, 2020, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**3. Miri 95 7<sup>th</sup> Avenue South LLC d/b/a TBD, 95 7<sup>th</sup> Ave. South 10014** (New OP – Restaurant, 1<sup>st</sup> floor and rooftop, Mariachi bands, enclosed sidewalk café)

- i. Whereas**, the applicant (Miri 95 7<sup>th</sup> Ave South LLC; Umar Riaz Malik, principal) and their attorney appeared before Community Board 2, Manhattan’s SLA Committee to present an application to the NYS Liquor Authority for a new On Premise license to operate a “family and food-oriented Mexican restaurant” in a ground floor storefront roughly 1530 sq. ft. located within a two-story building (circa 1900) on Seventh Avenue South between Barrow and Grove Streets, the building falling within NYC LPC’s designated Greenwich Village Historic District; and,
- ii. Whereas**, the ground floor storefront premises to be licensed was previously operated and licensed as Zucca Trattoria, Inc. d/b/a Taqueria Mez-A (lic.#1223197) by Besim Kukaj, the location and the licensee being the subject of multiple disciplinary proceedings by the NYS Liquor Authority in 2017 and again in 2019, resulting in the license at these premises being very recently revoked for deceptive practices, Mr. Kukaj and Zucca Trattoria, Inc. d/b/a Taqueria Mez-A also being the subject of numerous complaints for installing speakers within the enclosed sidewalk café, illegally selling alcohol on the rooftop of the building without permits or a license to do so, and leaving the windows to the licensed premises in an open position late at night while playing music at entertainment levels, all in derogation of the licensee’s agreed upon method of operation as a full-service restaurant; and
- iii. Whereas**, since August/2019 and prior to this instant application, CB2, Man. has heard three different applicants appear before them: one for a transfer that was laid over and adjourned, one for a corporate change that was laid over and withdrawn, another for a new OP that was laid over twice and denied, curiously all applications being similar in their method of operation of a neighborhood

restaurant serving Mexican food on the ground floor and rooftop, even though the certificate of occupancy for 95 7<sup>th</sup> Ave. South does not permit eating and drinking on the rooftop, and with live performance in the form of Mariachi bands; and

**iv. Whereas,** the instant application for a “family and food-oriented Mexican restaurant” included ground floor and rooftop use, live music consisting of Mariachi bands and hours of operation from 11:00 AM to 1:00 AM Sunday, from 11:00 AM to 12:00 AM Monday to Wednesday and 11:00 AM to 4:00 AM Thursday to Saturday, including the interior premises and enclosed sidewalk café, with 32 tables with 68 patron seats, 1 stand up bar with 6 additional seats for a total patron occupancy of 74, and three (3) employees; and

**v. Whereas,** the Applicant changed the requested hours of operation from Thursday to Saturday to 11:00 AM to 2:00 AM upon presentation of the application; and,

**vi. Whereas,** significant objections were raised by the Community regarding the rooftop use and the issues pertaining to the Certificate of Occupancy was pointed out by the Community Board, therefore the Applicant agreed to remove the rooftop use from the instant application at this time; and

**vii. Whereas,** when the Applicant was asked about his experience running or managing a restaurant and how he came upon this location he stated that he had worked in food and beverage and then in hospitality at various hotels mostly outside of New York City for the past 10 years, that a bartender he worked with at a Renaissance Hotel in Westchester had mentioned this specific location to him; and

**viii. Whereas,** the Applicant also stated that one of the reasons he was drawn to the location was that it had a functioning kitchen and that he was planning on leaving the interior as it was already set up, and there was additional opposition to pre-recorded and live music in the enclosed sidewalk café due to violations of the past operators leaving the windows open late into the evening while playing music at entertainment levels and speakers being illegally placed in the enclosed sidewalk café; and

**ix. Whereas,** the Applicant was asked if he had ever applied for an OP license in CB4, Man. and he stated he had not, yet on January 10, 2020 CB4, Man. sent a letter to Chairman Bradley at the NYS Liquor Authority (<https://cbmanhattan.cityofnewyork.us/cb4/wp-content/uploads/sites/10/2020/02/05-BLP-Letter-to-SLA-re-693-9th-Ave-Entity-to-be-formed-by-Umar-R.-Malik.pdf>) stating that they had an application before them for an entity to be formed by Umar R. Malik d/b/a Cara Mia, 693 Ninth Avenue, that application showing the same email address for Umar R. Malik as the instant application for this entity; and

**x. Whereas,** CB4, Man. raised concerns in that letter that there may be a connection between Besim Kukaj, who had been hired as a “consultant” at 693 Ninth Avenue and Mr. Malik; and

**xi. Whereas,** while the Applicant denied any relationship to either Besim Kukaj, or the Umar R. Malik who applied for a license at 693 Ninth Avenue, and stated that this was his first application for a liquor license, that he had never owned or managed a restaurant before, and when asked why the email addresses were the same continued to maintain that it was not him who applied for the OP license in CB4, Man. and his identity must have been stolen; and

**xii. Whereas,** this application being subject to the 500 foot rule requiring the Applicant to demonstrate that public interest and public convenience is served from the addition of this license in an area already greatly saturated with late night drinking establishments with liquor licenses, there being 77 on premise liquor licenses within 750 feet of the premises, all those appearing, including block association, being opposed to this application, the Applicant having no prior experience running either

a bar or a restaurant as well as the possibility of a questionable relationship to Besim Kukaj, the principal of the current, inactive license (#1223197) at this location, this particular On-Premise application not satisfying the public interest standard, the immediate area already greatly saturated with late night eating and drinking establishments; and

**xiii. Whereas,** following this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 7, 2020 the Applicant's Attorney requested **to withdraw** this application from further consideration, affirming that the application will not be submitted to the NYSLA for consideration without returning to CB2, Man. should they decide to proceed at some time in the future;

**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, alteration, transfer or other changes to any existing license for **Miri 95 7<sup>th</sup> Ave. South LLC d/b/a TBD, 95 7<sup>th</sup> Ave. South 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, Man. should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard; and

**THEREFORE, BE IT FURTHER RESOLVED** that CB2, Man. recommends the NYSLA conduct an investigation into the application with regard to the applicant (Umar Riaz Malik) and any connection with the prior operator (Besim Kukaj).

Vote: Unanimous, with 43 Board members in favor.



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Dear Sir/Madam:

At its Full Board meeting on July 23, 2020, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

- 4. Review and Recommendations regarding Senate Bill S8392;** a new law proposed to permit an existing licensed premise, such as restaurant or bar, to sell and deliver spirits, mixed drinks or other hard alcoholic beverages for off-premises consumption.
- i. Whereas,** the Alcohol Beverage and Control Act currently prohibits the sale of spirits, mixed drinks or other hard alcoholic beverages for off-premises consumption that it is licensed to sell for on-premises consumption; and,
- ii. Whereas,** due to the COVID-19 virus pandemic New York City was declared a federal disaster area resulting in 217,000 infections, overwhelming the City Hospitals and Health Care System, resulting in the deaths of 20,000 of its residents; and
- iii. Whereas,** the City of New York is still attempting to recover from the health crisis caused by this pandemic, there being no current cure or vaccine to prevent further outbreaks, while other parts of the United States remain the subject of large outbreaks, hotspots or waves of the deadly virus creating and causing on-going concerns about public health, safety and regenerating new outbreaks of the virus in the confines of the City of New York; and,
- iv. Whereas,** while the State of New York has done an admirable job in reducing the threat of the virus to its residents, the COVID-19 pandemic has had a devastating impact on economic commerce, the City of New York and more specifically, the confines of Community Board 2 in Manhattan, the areas and confines of Community Board 2 being a magnet and destination location for tourists and others visiting the City of New York, there being a large, thriving tranche of retail business in its many parts; and,

v. **Whereas**, in August/2019 the City of New York published a study from New York City's Department of City Planning—there being existing concerns prior to COVID-19 Pandemic, about high storefront vacancy rates with much debate about what was causing it, the study being an attempt to assess the state of retail in order to develop a data driven understanding of retail and storefront uses, the study finding a wide range of conditions, with retail corridors subject to multiple cross-currents that influence retail mix and vacancy conditions in varied and complex ways, including the rise in e-commerce, real estate market trends, local building stock, in addition to finding a significant rise in service orientated retail establishments, most notably eating and drinking establishments, with a noted growth of 50-70% from 2007-2017, with the more significant growth rate taking place in the later portion of that 10 year period, far outpacing other retail/storefront businesses, when compared to other dry retail stores, including other clothing and accessory stores, where there has been little to no growth over the same time period, with a regression occurring between 2015-2017, Community Board 2 having likewise experienced similar patterns in the transformation of retail storefronts, for the most part, with a significant increase in the number of liquor license applications, many for storefronts previously unlicensed for the service of alcoholic beverages while still other storefronts previously licensed for the sale of alcoholic beverages remain noticeably vacant; and,

vi. **Whereas**, in anticipation of the economic hardship to all existing on-premises establishments (e.g. restaurants, bars, taverns, clubs, arenas, catering establishments, etc.) in the State of New York deeply affected by the COVID-19 Pandemic, Governor Cuomo, effective March 16, 2020, issued an Executive Order permitting, on a temporary basis, all licensed on-premises establishments to sell for off-premises consumption any alcoholic beverages that it is able to sell for on-premises consumption under the law (the Executive Order having currently been extended through the month of July/2020 and can again be extended again by Governor as needed); and,

vii. **Whereas**, Senate Bill S8392 seeks to amend New York State's Alcohol Beverage Control Law by extending the term established by the Governor's Executive Order during which all existing on-premises establishments (e.g. restaurants, bars, taverns, clubs, arenas, catering establishments, etc.) may sell alcoholic beverages for off-site consumption for a period of two years following the end of the expiration of the Governor's existing Executive Order, the Bill also calling for a process of review and community input over those two years on the assumption that if appropriate, such conversion of the existing law would become permanent; and

viii. **Whereas**, CB2, Man. sought to weigh-in on this Bill, held two public meetings in June and July/2020 for this purpose, inviting the public and the host of the Senate Bill to appear for this purpose; and,

ix. **Whereas**, the Senate Bill would allow any on-premises licensee and any manufacturing licensee with on-premises retail privileges to sell for off-premises consumption any alcoholic beverages that it is licensed to sell for on-premises consumption, that such beverages be sold in closed/sealed containers and accompanied by the purchase of food, to also allow takeout or delivery with certain specifications as to the type of vehicle that can be used for such deliveries, and to allow hours of takeout/delivery sales during all the on-premises hours of operation of the vendor's/licensee's license; and,

x. **Whereas**, those living in CB2, Man. appeared and wrote email communications to Community Board 2 and the Sponsor of the Bill, Senator Hoylman, and despite the good intentions of the Senate Bill, the response of those living in the Community to the bill being overwhelmingly against and adamantly opposed to the Senate Bill as proposed, while no one appeared or wrote in its favor; and,

**xi. Whereas**, many of those living and residing in CB2, Man. having already been subject to significant impacts from eating and drinking establishments near their homes over the years, those businesses being primarily reliant upon those living outside the confines of its Community to patronize its establishments, including tourists and other visitors coming into the confines of Community Board 2; and,

**xii. Whereas**, while there are clearly concerns about the survival of existing businesses and need for assistance due to the COVID-19 Pandemic for such existing eating and drinking businesses to survive in a markedly changed environment by creating a new business platform for revenue-generating liquor sales, the Senate Bill has likewise raised serious concerns regarding public health and safety, compliance with existing law and a potentially profound negative impact on quality of life for residents; and,

**xiii. Whereas**, the aforementioned concerns have materialized in an abundance of complaints from those living in Community Board 2 due to a widespread abuse of “take-away” drinking, examples that have been documented and by those living in CB2, Man. and/or in the media as follows:

- The consumption of alcoholic beverages in public areas, in violation of NYC’s Open Container Law (*see* NYC Administrative Code § 10-125)
- The congregating of patrons in public areas, in violation of social distancing and PPE use rules (*see* Exec. Order No. 202.33)
- The sale of alcoholic beverages in violation of Exec. Order No. 202.3 (e.g. “the sale of each container [of an alcoholic beverage] shall be accompanied by the purchase of food.”, *see* SLA Guidance on Restrictions for Licensees)
- Numerous acts of antisocial and unwelcome behavior (e.g. public urination, the accumulation of trash in public areas, excessive noise, smoking (including the use of marijuana) which can be detected in nearby residences); and

**xiv. Whereas**, the New York’s Governor has recently accused some bar owners in New York of subverting rules that allowed for socially-distanced outdoor dining during phase three of the reopening of the state's economy, with some establishments using the new rules to create outdoor bars, Governor Cuomo recently being quoted as follows: "The concept was, you would go to an outdoor restaurant, a dining facility. You would sit at a table with your friends ... You would just be with those five friends and then the tables would be socially distanced. That's outdoor dining," and "as for establishments that have turned it into outdoor bars where you have these congregations of people, sometimes 100 large, that are just drinking outside, that's not what outdoor dining is, and that was never allowed” calling such actions “a perversion of the law”; and,

**xv. Whereas**, CB2, Man. and its residents have seen and experienced what Governor Cuomo has articulated, first-hand, with numerous examples of such having been well documented and with certain locations creating an atmosphere of late night drinking which persistently invites those frequenting such locations to avoid doing so at a proper distance while being seated at a table, the locations in question being a minority of licensed establishments within the Community but nonetheless conspicuous for their actions, greatly affecting those living in our Community; and,

**xvi. Whereas**, since the Senate Bill was initially proposed in May/2020, the Sponsor of the Bill Senator Hoylman had advanced concerns regarding the repercussions of the bill in light of those businesses who have destabilized the temporary rules for outdoor dining in the City of New York, the intent and goal of Senate Bill not being promoted to allow for such destabilization to take place, the

Representatives of Senator Hoylman stating to CB2, Man. at its hearing that the health and safety of its residents come first, far outweighing the advancement of this Senate Bill at this time, while also requesting for and eliciting “feedback” for potential changes in the Bill to make it a viable in the future; and,

**xvii. Whereas,** while the changes contemplated by Senate Bill 8392 would apply to the entirety of New York State, CB2, Man. recognizes that its neighborhoods possess unique, distinctive characteristics atypical of the larger city and state environments, including its historic, 100+ year-old building stock where many licensed premises exist in residential zoned and mixed use neighborhoods located on narrow streets never planned or designed to accommodate or support the significant growth in licensed premises in its Communities over the last 15 years, a significant majority of CB2’s eating and drinking establishments being located adjacent to or within residential buildings; and,

**xviii. Whereas,** the most significant objection to the Senate Bill as written are that there is no enforcement mechanism for those who carry out drinks and consume such drinks on the street or sidewalk in the public domain, the Senate Bill being proposed and promoted on the pretext that the purchasers of such alcoholic beverages comply with the open container law, that such law will be enforced and that such law is enforceable to curb the expected violators of the law; and,

**xix. Whereas,** it is well documented that the open container laws in the City of New York have been found to be racially discriminatory; in 2016 the NYC Council reduced the penalties for such infractions, effectively decriminalizing the behavior, the law further not being enforced in the City of New York for a number of years, with the Current Mayor, the City of New York’s Police Department and the District Attorney of New York County announcing publicly since 2016 that such law will not be enforced by the City of New York or its Police Department, summons will not be issued and arrests will not be made except in limited circumstances, the Police Department being the only law enforcement agency that would be responsible for such enforcement; and,

**xx. Whereas,** New York State’s Liquor Authority currently does not have any ability or legal mechanism to enforce the transgressions by patrons drinking in the public domain in violation of the open container laws after purchasing take-out alcoholic beverages; and,

**xxi. Whereas,** still other problems with the proposed take-out portion of bill were raised, relating mostly if not entirely to the carry out portion of the law, the carry out portion of the law being permitted until 4:00 AM in the City of New York for some retail businesses, the *de minimis* food requirement that appears to deviate from the Bill’s purpose, the *de minimis* packaging of the alcoholic beverages in any closed container without proper labeling, without the alcoholic content or an uniform method of sealing of the container, there being no limitations on the sizing by ounces of the alcoholic beverages, there being no warning on the label for drinking identifying the prohibition of drinking the alcoholic beverages in the public domain, there being no limit on the number of alcohol beverages purchased by one individual (like that exists at a football or baseball stadium), there being no limits regarding the types of alcohol beverages that could be purchased to go, which could include shots of high content alcoholic drinks directly from the bottle, there being significant concerns of a “slippery slope” for patrons purchasing such drinks by either ignoring, misinterpreting, misconstruing or subverting the open container laws simply from the receipt of the alcohol beverage from the licensed premise into the public domain instead of the private domain or the existing licensed premise, including patrons purchasing alcoholic beverages for on-site consumption who simply remove such beverages from the licensed premises in the public domain; and,

**xxii. Whereas,** the delivery portion of the Senate Bill received little objection provided the consumption of the alcoholic beverages were actually consumed in the home or other acceptable private domain, there being much less concern for alcoholic drinks being consumed in the private domain; and,

**xxiii. Whereas,** certain concepts and recommendations were made regarding how to make the Senate Bill more effective and more acceptable, including the following:

- Any law relating to take out beverages be accompanied by or preceded by an enforceable law with an identifiable mechanism for such enforcement, thereby effectively regulating the concern of alcoholic beverages being consumed in the public domain in derogation of the existing, albeit unenforced open container law in the City of New York, the enforcement preferably coming from the State Liquor Authority or other law enforcement agency, with satisfactory level of enforcement personnel that will work in kind directly with the State Liquor Authority, the New York State Liquor Authority having gained significant credibility over the years in balancing the competing concerns of liquor licensing, public health and impacted residents living in the City of New York;
- Any law relating to take out beverages in closed container require a labeling system, with alcoholic content identified within a uniform method of sealing the container, and with a warning identifying the prohibition of drinking the alcoholic beverages in the public domain,
- The sale of alcoholic beverages for off-site delivery and consumption at a non-public domain should be permitted if delivered to a specific address or private domain;
- Take-out sales of alcoholic beverages should be for limited hours, for example between 4PM and 11 PM every night, or for a happy hour time period when sales are generally low, like from 5-8 PM, but not until 4AM for some vendors, as is currently proposed;
- Consider limits on the number of take out alcoholic beverages sold to one individual, such as no more than one (1) alcoholic beverages may be sold per purchaser;
- Consider the size and type of alcoholic beverage being sold for take-out, any such labeled container may not contain more than 12 oz by volume, or such beverage being limited to mixed drinks, not being poured directly from an existing bottle of spirits.
- No drink specials of any kind should be offered in connection with the sale of alcoholic beverages for off-site consumption
- Patrons purchasing alcoholic beverages for on-site consumption should not be allowed to remove such beverages from the premises where purchased, except as permitted by existing ABC law.
- That the sale of food that must accompany any alcohol sale should be more than a token, “de minimis” amount.
- Signage should be displayed outlining what constitutes the permitted sale of alcoholic beverages for off-site consumption and guidelines for permitted off-premises consumption, including the prohibition of drinking alcohol beverages in the public domain.
- Punishment of businesses that fail to abide by regulations governing the sales of alcoholic beverages for off-site consumption should be vigorous, even after the Covid 19 health crisis subsides.

**xxiv. Whereas,** it is currently within the Governors power to continue to permit licensed on-premises establishments to sell for off-premises consumption alcoholic beverages, and extend such privileges as needed to promote business interests following the Covid-19 pandemic, such extensions being contingent upon the economic hardship to New York’s existing on-premises establishments, such extensions also taking into consideration the protection of public health, public safety while also utilizing State Alcohol and Beverage laws to provide some level of enforcement or curbs to prevent the

inevitable quality of life problems and concerns that have surfaced after the Governor declared the emergency measure, the Governor having performed well during the Pandemic and who remains committed to balancing the interests of public health and safety of the residents of New York City, as well as eating and drinking establishment greatly affected by the Pandemic;

**Therefore, Be It Resolved** that CB2, Man. submits that the vagueness of Senate Bill 8392, as proposed and written, represents an unacceptable risk with regard to public health and safety at this time; and,

**Therefore, Be it Further Resolved**, that should Senate Bill 8392 bill be revised to permit the sale of take-out alcoholic beverages for off-premises consumption in the future, it is critical that such law be accompanied by an acceptable mechanism for legal enforcement for open containers of alcoholic beverages in the public domain, for protecting public safety, for protecting the quality of life for existing residents': and,

**Therefore, Be it Further Resolved**, that CB2, Man. recommends that any revisions to the Bill incorporate the suggestions detailed above to limit off-premise, take-out sales to certain hours, the size of the container, the amount of alcoholic drinks per person, the sealing of the container, the label and warnings to be placed on the container and the types of alcoholic beverages placed in the container.

Vote: Unanimous, with 43 Board members in favor.

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



**Antony Wong, Treasurer**  
**Valerie De La Rosa, Secretary**  
**Amy Brenna, Assistant Secretary**

## Community Board No. 2, Manhattan

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NEW YORK, NY 10012-1899  
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August 5, 2020

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

Dear Sir/Madam:

At its Full Board meeting on July 23, 2020, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

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

**5. TWJ Family Foods, LLC d/b/a JoJos Philosophy, 169 Bleecker St. 10012 (Change in Method of Operation – Bar) (withdrawn).**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 7, 2020 the Applicant requested to **withdraw** this application from further consideration, affirming that the application will not be submitted to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future;

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **TWJ Family Foods, LLC d/b/a JoJos Philosophy, 169 Bleecker St. 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 43 Board members in favor.

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



**Antony Wong**, *Treasurer*  
**Valerie De La Rosa**, *Secretary*  
**Amy Brenna**, *Assistant Secretary*

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August 5, 2020

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

Dear Sir/Madam:

At its Full Board meeting on July 23, 2020, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**6. Gigi's of Mulberry, Inc. d/b/a Mulberry, 149 Mulberry Street 10013 (OP-Restaurant) (Backyard) (Basement & Ground Floor) (Laid Over until August/2020)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 7, 2020 the Applicant requested to **layover** this application, affirming that he will not submit this application to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future;

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Gigi's of Mulberry, Inc. d/b/a Mulberry, 149 Mulberry Street 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 43 Board members in favor.



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



**Antony Wong**, *Treasurer*  
**Valerie De La Rosa**, *Secretary*  
**Amy Brenna**, *Assistant Secretary*

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August 5, 2020

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

Dear Sir/Madam:

At its Full Board meeting on July 23, 2020, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**7. 401 West Property Owner, LLC d/b/a TBD, 401 West Street 10014 (OP-Bar/Tavern)**  
(withdrawn)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 7, 2020 the Applicant requested to **withdraw** this application from further consideration, affirming that the application will not be submitted to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future;

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **401 West Property Owner, LLC d/b/a TBD, 401 West Street 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 43 Board members in favor.

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



**Antony Wong**, *Treasurer*  
**Valerie De La Rosa**, *Secretary*  
**Amy Brenna**, *Assistant Secretary*

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August 5, 2020

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

Dear Sir/Madam:

At its Full Board meeting on July 23, 2020, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**8. 401 West Good Times, Inc. d/b/a TBD, 401 West Street 10014** (OP-Club/Members Only, Not for Profit) (1<sup>st</sup> Floor) (Laid Over until August/2020)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 7, 2020 the Applicant requested to **layover** this application, affirming that the application will not be submitted to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future;

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **401 West Good Times, Inc. d/b/a TBD, 401 West Street 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 43 Board members in favor.

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



**Antony Wong**, *Treasurer*  
**Valerie De La Rosa**, *Secretary*  
**Amy Brenna**, *Assistant Secretary*

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August 5, 2020

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

Dear Sir/Madam:

At its Full Board meeting on July 23, 2020, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**9. Faigo Hot Pot LLC, d/b/a TBD, 114 Mulberry St. 10013 (OP – Restaurant) (Withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 7, 2020 the Applicant requested to **withdraw** this application from further consideration, affirming that the application will not be submitted to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future;

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Faigo Hot Pot LLC, d/b/a TBD, 114 Mulberry St. 10013 until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 43 Board members in favor.

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



**Antony Wong**, *Treasurer*  
**Valerie De La Rosa**, *Secretary*  
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August 5, 2020

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

Dear Sir/Madam:

At its Full Board meeting on July 23, 2020, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**10. Goukui Management, Inc. d/b/a Crop Circle, 126 MacDougal Street 10012 (RW-Restaurant) (Fast Casual) (Laid Over until August/2020)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 7, 2020 the Applicant requested to **layover** this application, affirming that affirming that the application will not be submitted to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future;

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Goukui Management, Inc. d/b/a Crop Circle, 126 MacDougal Street 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 43 Board members in favor.

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



**Antony Wong**, *Treasurer*  
**Valerie De La Rosa**, *Secretary*  
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August 5, 2020

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

Dear Sir/Madam:

At its Full Board meeting on July 23, 2020, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**11. GVI West Village, LLC d/b/a Vin Sur Vingt, 192 Seventh Ave. So. 10011** (New Wine Bar/Tavern) (NO SHOW)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on June 2, 2020 the Applicant **failed to appear** to review this application and provided no explanation for such non-appearance;

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **GVI West Village, LLC d/b/a Vin Sur Vingt, 192 Seventh Ave. So. 10011** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 43 Board members in favor.

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



**Antony Wong**, *Treasurer*  
**Valerie De La Rosa**, *Secretary*  
**Amy Brenna**, *Assistant Secretary*

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August 5, 2020

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

Dear Sir/Madam:

At its Full Board meeting on July 23, 2020, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**12. Stratis Morfogen, d/b/a Brooklyn Dumpling Shop LLC, 257 Bleecker St. 10014 (RW – Shop) (Withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 7, 2020 the Applicant requested to **withdraw** this application from further consideration, affirming that the application will not be submitted to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future; and,

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Stratis Morfogen, d/b/a Brooklyn Dumpling Shop LLC, 257 Bleecker St. 10014 until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 43 Board members in favor.

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

Sincerely,



Donna Raftery, Chair  
SLA Licensing 1 Committee  
Community Board #2, Manhattan



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



Carter Booth, Chair  
Community Board #2, Manhattan

CB/fa

cc: Hon. Jerrold L. Nadler, Congressman  
Hon. Nydia M. Velázquez, Congresswoman  
Hon. Carolyn Maloney, Congresswoman  
Hon. Brad Hoylman, NY State Senator  
Hon. Brian Kavanagh, NY State Senator  
Hon. Deborah J. Glick, NY State Assembly Member  
Hon. Yuh-Line Niou, NY State Assembly Member  
Hon. Scott Stringer, NYC Comptroller  
Hon. Gale Brewer, Man. Borough President  
Hon. Corey Johnson, NYC Council Speaker  
Hon. Margaret Chin, NYC Council Member  
Hon. Carlina Rivera, NYC Council Member  
Adam Roberts, Deputy Commissioner of Licensing, NY State Liquor Authority