

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

FULL BOARD MINUTES

DATE: August 20, 2020
TIME: 6:30 P.M.
PLACE: Via Video Conference

BOARD MEMBERS PRESENT: Akeela Azcuy, William Benesh, Keen Berger, Carter Booth (Chair), Katy Bordonaro, Anita Brandt, Amy Brenna, Coral Dawson, Valerie De La Rosa, Doris Diether, Robert Ely, Mar Fitzgerald, Cormac Flynn, Joseph Gallagher, Wayne Kawadler, Susan Kent, Jeanine Kiely, Betty Kubovy-Weiss, Michael Levine, Janet Liff, Edward Ma, Matthew Metzger, Daniel Miller, Brian Pape, Donna Raftrey, Lois Rakoff, Bo Riccobono, Sandy Russo, Rocio Sanz, Scott Sartiano, Shirley Secunda, Frederica Sigel, Georgia Silvera Seamans, Shirley Smith, Chenault Spence, Eugene Yoo, Susan Wittenberg, Antony Wong, Adam Zeldin

BOARD MEMBERS ABSENT WITH NOTIFICATION: Susanna Aaron, Susan Gammie, Patricia Laraia, Robin Rothstein

BOARD MEMBERS ABSENT: Ritu Chattree

BOARD MEMBERS PRESENT/ARRIVED LATE: Richard Caccappolo, John Paul DeVerna, David Gruber, Kristin Shea, Cathy Sullivan

BOARD MEMBERS PRESENT/LEFT EARLY: None

BOARD STAFF PRESENT: Bob Gormley, District Manager; and Josh Thompson, Assistant District Manager

GUESTS: Senator Brian Kavanagh; Luke Wolf, NYC Comptroller Scott Stringer's office; Manhattan Borough President Gale Brewer; Shivani Gonzalez, Assembly Member Yuh-Line Niou's office; Ivy Rosado, Council Member Carlina Rivera's office; Zena Sawaged, Timothy Harrell

MEETING SUMMARY

Meeting Date – August 20, 2020

Board Members Present – 43

Board Members Absent with Notification – 4

Board Members Absent - 1

Board Members Present/Arrived Late - 5

Board Members Present/Left Early – 0

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II. PUBLIC SESSION

Non-Agenda Items

Mayor's Office to End Domestic and Gender-Based Violence

Zena Sawaged, Community Liaison, spoke regarding their Cosmetology and Domestic Violence Intervention Program.

NYC Civilian Complaint Review Board

Timothy Harrell, Outreach Coordinator, invited everyone to a public virtual CCRB Board Meeting on September 9th at 6pm.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Senator Brian Kavanagh

Shivani Gonzalez, Assembly Member Yuh-Line Niou's office

Luke Wolf, NYC Comptroller Scott Stringer's office

Manhattan Borough President Gale Brewer

Ivy Rosado, Council Member Carlina Rivera's office

V. ADOPTION OF MINUTES

Adoption of July minutes

VI. BUSINESS SESSION

1. **Chair's Report** Carter Booth reported.

2. District Manager's Report Bob Gormley reported.

STANDING COMMITTEE REPORTS

BY-LAWS

At its July and August meetings, the Working Group discussed which areas of the Bylaws require examination and revision and determined that priority be given to the general topic of elections and issues related thereto. The four areas of focus were election process and procedures, the ability to conduct elections when not meeting in-person (i.e. electronic voting), the need for a procedure to fill vacancies, and the benefits accruing from a realignment of the Board's election cycle.

1. Special Term

The Working Group recommends that CB2's election cycle be aligned with Members' terms of office due to the institution of term limits for community board members pursuant to a change to NYC's charter. This change will enable Members in their final year on the Board to run for office and serve a full one-year term. This will allow the greatest number of Members the opportunity to run for office and avoid depriving the Board of the service of some of its most experienced Members.

The Working Group proposes the following addition to the Bylaws:

7A. SPECIAL TERM

- a. Due to the establishment of term limits for community board members, and in order to align Board elections with Members' terms of service, which will require changing the month for Board elections from November to March, the Board shall hold a one-time election for a special term that shall cover the period from December 1, 2020, through March 31, 2021 ("Special Term").
- b. The Special Term election shall occur at the Board's November 2020 meeting. The procedure for Special Term elections shall mirror the process for annual elections set forth in Article 7B of these Bylaws, except all events in Article 7B to occur in the month of January shall take place, for the purposes of this Article, in the month of September 2020, all events to occur in the month of February shall take place in the month of October 2020, and all events to occur in the month of March shall take place in the month of November 2020.
- c. Due to the abbreviated length of the Special Term, in the event that there is no nominee for an office as of the November 2020 meeting, nominations for such office will be accepted from the floor and will be voted on at the November meeting.
- d. The Special Term shall not count towards the number of terms to which a Chairperson is limited, pursuant to Article 7B, Section a.ii.

Term Limits: Vote: Passed, with 33 Board members in favor, 9 in opposition (A. Brenna, J. Gallagher, J. Liff, B. Riccobono, S. Russo, S. Secunda, S. Smith, C. Sullivan, S. Wittenberg), and 1 abstention (R. Sanz).

2. Election of Officers

In order to simplify and standardize the election process, the Working Group recommends eliminating the Elections Committee. Incorporating greater detail regarding the election process into the Bylaws will obviate the need for the Elections Committee and streamline the process: communications will no longer have to flow through a special committee empowered to establish procedural criteria (which could alter the process from cycle to cycle) but will be transmitted directly to the Board.

The Working Group proposes amending the text of Article 7 in the current Bylaws and replacing it with the following:

7B. ELECTION OF OFFICERS

a. Terms of Officers

- i. Officers shall be elected to serve one-year terms with each term beginning April 1st and ending March 31st of the following year.
- ii. To provide the greatest opportunity of service for each member of the Board, no Chairperson shall serve for more than two consecutive terms. In the event that the Chair leaves office before his/her term expires and the remainder of her/his term is more than six months, the remainder shall be counted against the successor as a full term and, if six months or less, the remainder shall not be counted towards the limitation of two consecutive terms.

b. The Election Process

- i. At its March regular meeting, the Board shall elect Members to the offices of Chairperson, First Vice-Chairperson, Second Vice-Chairperson, Secretary, Assistant Secretary, and Treasurer.
 1. At the January regular meeting of the Board, the Chair shall announce the opening of nominations for Board officers.
 2. For three weeks following the January meeting, any member of the Board may nominate him- or herself for election to one office. All such nominations shall be submitted in writing to the District Manager. At the February meeting, the District Manager shall announce the nominations received to date.
 3. At the February meeting, the Chair shall open the floor for additional nominations at which time any Member, upon recognition by the Chair, may nominate any Member who is present at the meeting, including him- or herself, for any position, except that no Member may be a nominee to more than one office. Any nominations made at the February meeting may only be accepted while the floor remains open; Members may also decline nomination or withdraw from prior nomination or self-nomination at this time. Nominations shall not be

closed as long as any member requests to be recognized to make an additional nomination. After accepting all such nominations, the Chair shall then declare the nominations closed for every office for which there is at least one nominee.

4. For any office for which there remains no nominee after all nominations from the floor have been accepted, the nominations shall remain open for the three weeks following the February Board meeting.
 5. Nominees may submit statements for distribution to the Members at any time after having self-nominated or having been nominated by another Member, but in any event no later than 12:00 noon on the Friday preceding the March Board meeting. The District Manager shall assemble all candidate statements received pursuant to this Section and shall distribute them to the Members as a single package by no later than close of business on the Friday preceding the March Board meeting.
 6. At the March meeting of the Board, there shall be a separate election held for each office for which one or more Members have been nominated. Whenever there is more than one candidate for an office, each candidate for that office shall have the option to address the Board for three (3) minutes; any candidates running unopposed shall have the option to address the Board for two (2) minutes.
 7. Voting shall be by secret written ballot. To be elected, a nominee must receive a majority of the valid votes of those voting. A tie shall result in an automatic revote; if needed, this process shall be repeated until one candidate receives a majority. If there are three or more nominees for an office and none receives a majority there shall be a run-off between the two nominees receiving the most votes. In case of a tie, a revote shall be held immediately, which process shall be repeated, if needed, until one candidate receives a majority. The District Manager shall oversee the distribution and collection of all ballots. All votes shall be counted by a three-person committee consisting of the representative of the Borough President, the representative of another elected official, and a volunteer from among the Board's committee chairpersons ("Tally Committee").
- ii. In the event that there is no nominee for an office, an open-seat election shall be held at the April Board meeting to fill such position(s).
1. At the March meeting the District Manager shall announce for which office(s) there are no nominees and as such are excluded from the March elections. No nominations may be accepted for such office(s) at the March meeting nor will any write-in candidates be accepted.
 2. Nominations for any open office shall follow the procedures set forth in Section b.i. of this Article, except that all candidate statements must be submitted to the Board office no later than 12:00 noon on the Friday preceding the April Board meeting and the candidate statements must be distributed no later than close of business on the Friday preceding the April Board meeting. There will be no nominations from the floor during the April meeting.

3. Voting shall follow the procedures set forth in Section b.i.7. of this Article.
- iii. The process set forth in Section b.ii. shall be repeated as necessary until all Board offices are filled.

Election of Officers: Vote: Passed, with 42 Board members in favor, and 1 abstention (R. Sanz).

Secret Ballot Only: Vote: Passed, with 31 Board members in favor, 11 in opposition (C. Booth, C. Dawson, V. De La Rosa, D. Raftery, S. Russo, G. Silvera Seamans, S. Smith, C. Sullivan, E. Yoo, S. Wittenberg, A. Zeldin), and 1 abstention (R. Sanz).

3. Electronic Voting

Due to the COVID-19 pandemic necessitating the move to conducting Board meetings online for the foreseeable future, the Working Group recognizes that provisions must be made to enable the Board to conduct elections in a reliable, consistent, and transparent manner when meeting virtually. It also recognizes that while the use of available technologies makes electronic voting possible, the influence of factors beyond the Board's control must be taken into account.

The Working Group proposes the following addition to the Bylaws:

7C. ELECTRONIC VOTING

- a. To enable the Board to conduct elections in the absence of in-person meetings, Members shall be permitted to cast ballots electronically via email. At the start of an election to be conducted electronically, a roll-call vote shall be taken; only those Members who have been counted as present shall receive a ballot, which shall be sent to the email address on file with the Board office or other email address provided by a Member for such purpose. After all candidates have had the opportunity to address the Board pursuant to Article 7B, Section b.i.6., voting will begin ("Voting Period"). The District Manager then shall request that Members submit their votes, which must be timestamped no later than 30 minutes after the voting period has commenced ("Voting Window"). All completed ballots shall be sent to the members of the Tally Committee, which shall tally the votes as they are received. Any ballots timestamped as having been sent outside of the Voting Window shall be deemed invalid. In order to ensure that all members intending to vote have had an opportunity to do, one hour into the Voting Period the District Manager shall use reasonable best efforts to contact those voting Members from whom ballots have not yet been received and shall offer them the option to have their votes recorded telephonically; after efforts have been made to contact all such Members, the Voting Period shall end and no ballots will be accepted thereafter. The Talley Committee shall report the election results to the District Manager who will then report them to the Board before the conclusion of the March Board meeting.
- ;b. To ensure effective lines of communication during the election, the District Manager shall confirm Members' email addresses and telephone numbers for this purpose and update the Board's records as needed in the month preceding an election, and at least one week prior thereto. It shall be the responsibility of a Member to provide any updates to the Board's records within one week of an election.

- c. A test run designed to simulate the electronic voting process will be conducted at the Board meeting prior to any election involving electronic voting to ensure the effectiveness of the system. Additional test runs will be conducted as needed to correct for any problems detected and/or to enhance the efficiency and efficacy of the process.
- d. In an effort to simplify the electronic voting process and to promote confidence in the use of electronic voting, the District Manager may recommend to the Board the use of an electronic voting system available (commercially or otherwise) from a third party. Any such proposal must be presented in detail to the Board for its approval prior to the commencement of any election cycle. The testing provisions set forth in Section c. of this Article shall apply to the use of any approved voting application produced by a third party.
- e. All electronic ballots (including any emails to which they were attached) and any confirmations generated as a result of electronic voting shall be retained as part of the official records of the Board.
- f. Any Members unable to participate electronically may submit their votes telephonically, provided they have notified the District Manager of their intent to do so no later than 5 pm on the day an election is to occur. Members voting by telephone shall be contacted by a member of the Tally Committee at the phone number on file with the Board office or at a phone number provided for such purpose during the Voting Window and their votes recorded by the caller. All votes submitted by phone shall be confirmed in writing by the voting Member(s).

Electronic Voting: Vote: Unanimous, with 43 Board members in favor.

4. Special Elections

As currently written, CB2's Bylaws provide that in the event that the office of Chairperson becomes vacant, the First Vice-Chairperson assumes the office of Chair for the remainder of the outstanding term. In the opinion of the Working Group, the Board should have direct input in selecting a new Chairperson (or other officers) when a vacancy results in a stub term of substantial length. The operation of the Board should not be hampered due to a less than full complement of officers, and in the Working Grop's opinion a mechanism should exist for filling vacancies between elections

The Working Group proposes the following addition to the Bylaws:

7D. SPECIAL ELECTIONS

- a. Special Election for Chairperson
 - i. Notwithstanding anything in Article 2, Section ii.3 of these Bylaws, in the event that the office of Chair becomes vacant with four or more months remaining in the term of office, an election shall be conducted to fill the position ("Special Election").
 - ii. Upon the District Manager's receipt of notice that the office of Chairperson has been vacated, the First Vice-Chair shall immediately assume the role of Acting Chairperson and shall serve as such until a Special Election has been conducted.

b. The Special Election Process

- i. At the first full Board meeting following the vacancy, the Acting Chairperson shall call for a Special Election, to occur at the next full Board meeting. The nomination process shall mirror the procedure set forth for regular elections in Article 7B, Section b.i., except that the nomination period shall close at the end of the three-week period following the call for a Special Election and no nominations may be accepted thereafter. Nominations from the floor will not be accepted; however, a candidate is permitted to withdraw his or her nomination at this meeting prior to the commencement of the election.
- ii. Candidate statements shall be handled in a manner consistent with the procedure described in Article 7B, Section b.i.5., except that they must be submitted no later than 12:00 noon on the Friday preceding the Special Election and their distribution shall occur no later than close of business on the Friday preceding the Special Election.
- iii. At the next full Board meeting, an election shall be conducted in accordance with the provisions of Article 7B, Sections b.i.6. – 7. The new Chairperson shall assume office the day following such election.
- iv. Should a current officer become Chair pursuant to a Special Election, the resulting vacancy shall trigger automatically a second Special Election to occur the following month to fill the newly vacant office.
 1. Subsequent to conducting the Special Election for a new Chairperson and at the same meeting, the floor will be opened for nominations for the newly-vacant office in a manner consistent with Article 7B, Section b.i.3. Nominations shall remain open for two weeks thereafter during which time Members may self-nominate and submit written statements.
 2. This second Special Election shall be conducted in a manner consistent with the provisions of Article 7B, Sections b.i.6. – 7.
- v. In the event that there are no nominees for the Chair vacancy, the Acting Chairperson shall assume the role of Chair for the remainder of the term and the provisions in Article 2, Section.b.ii.3. shall apply.

c. Special Elections for other Offices

In the event that any of the offices of Treasurer, Secretary, or Assistant Secretary become vacant with four or months remaining in their respective terms of office but not as a result of Section b.vii. of this Article, a Special Election shall be held to fill such position(s) and shall follow the procedures set forth in Section b. of this Article.

Special Elections: Vote Passed, with 42 Board members in favor and 1 abstention (R. Sanz).

LANDMARKS AND PUBLIC AESTHETICS

1. **462 Broadway (120-132 Grand St.)**-Application is to modify the wood door/wood window infill at two storefront bays (1 on Broadway, 1 on Grand St.) to accommodate one ATM in each location, install three canopies and LED tape striplights in windows.

Whereas:

- A. The building is an iconic example of a late 19th century cast iron SoHo building; and
- B. It has lately undergone a mint restoration and benefits from a corner location, giving depth and perspective to the volume; and
- C. The proposal, overall, “pastes” branding in modern design and bright colors completely out of accord with the building’s street level infill, sign band and makes no attempt to respect the architecture of this building and historic district; and
- D. The ATM machines proposed, one on each facade, violate the rhythm of the bays, introduce blackened glazing, propose insertion in a way that cuts into the historic bulkhead and introduces bright red, green and yellow colors out of accord with the building; and
- E. The signs appear to be stock branding signs and do not respect the width, height, profile and design of the historic signband; and
- F. There is a green canopy over the two machines and a bright red canopy over the entry that are not in harmony with the style of the building; and
- G. Bright yellow LED tape lighting is proposed for 12 bays (3 bays are give over to the ATM machines and the entry) which have no relationship to the historic architecture of the building, are without precedent, violate the rule against light within 18” of a window, and would cast undesirable bright light onto the sidewalk and to the buildings across the streets; and
- H. There is adequate outer lobby space for as many ATM machines as may be required and there are ample examples of this condition in several banks in the immediate vicinity; and
- I. Flag poles in the printed materials were not presented nor was there any graphic representation of the proposed flags; and
- J. There was considerable written objection to the proposal from members and organizations in the community; now

Therefore be it resolved that CB2, Man. recommends:

- A. **Denial** of the proposal as out of harmony with this important historic building and, in the instance of the lighting, contrary to regulations; and
- B. That no flags be considered by the Commission until they have been reviewed by the community board and a recommendation has been made to the commission.

Vote: Unanimous, with 43 Board members in favor.

2. **121 W. 11th St.** - Application is to replace windows at the front facade, install a rooftop addition and a rear addition, and rear yard and cellar excavation.

Whereas:

- A. One over one windows on the front facade are from a late 19th century alteration and are to be replaced with energy saving windows of the same design; and
- B. There a 9'-4" rooftop addition with an extremely visible generator and railing on its roof making a total of 13'-6" above roof level; and
- C. No rationale was given for the highly visible generator being on top of the addition and it is evident from the drawings that the objectionably visible portion is the generator and a typical fence; and
- D. There is adequate roof space for the generator, if required, in positions that it would not be visible; and
- E. There is a 4'-0" extension at the basement and parlor floors; and
- F. The rear facade basement and parlor floor windows are one expanse in industrial style steel and glass with no vertical or horizontal separations and no reference to the original fenestration; and
- G. The excavation and reconfiguration of the garden blends well with the rear facade; now

Therefore be it resolved that CB2, Man. recommends:

- A. **Approval** of the front facade windows from the historic period of considerable alteration; and
- B. **Approval** of the penthouse room provided that LPC staff ensures that it is not more than minimally visible from any public thoroughfare; and
- C. **Denial** of the generator and fence, or any other structure on the roof of the penthouse room; and
- D. **Approval** of the rear extension, excavation, and reconfiguring of the garden.
- E. **Denial** of the rear facade basement and parlor windows unless strong horizontal framing at the floor line and vertical framing to reference the historic window configuration are added; and

Vote: Unanimous, with 43 Board members in favor.

3. ***247 W. 10th St.**-Application is to install new one over one windows.

- A. The one over one windows are in harmony with the existing façade from a 1927 renovation; and
- B. The replacement windows are energy-efficient one over one windows similar to many existing windows on the principal facades; now

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

Vote: Unanimous, with 43 Board members in favor.

4. *257 W. 4th St.-Application is to construct a rooftop stair bulkhead, rear window replacement and an extension at the rear of the cellar.

Whereas:

A. The stair bulkhead is of a minimum size to provide roof access and is very minimally visible from any public thoroughfare; and

B. The windows in the rear facade at the parlor and basement floors are modest in size and do involve significant changes; and

The rebuilding of the rear wall is clearly required and is to be done by replacing it in kind; now

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

Vote: Unanimous, with 43 Board members in favor.

SCHOOLS AND EDUCATION

Resolution in Support of Open Streets and Parks to Support the Safe Reopening of NYC Schools

1. In July 2020, CB2, Man. unanimously passed a resolution in “Support of Open Streets for Schools and the Addition of Outdoor and Indoor School Sites to Support the Safe Reopening of NYC Schools;”
2. As of August 10, 2020, six schools in CB 2 applied for Open Streets for Schools:
 - a. PS 3 requested (i) Bedford Street between Christopher and Grove streets and (ii) Grove Street between Bedford and Hudson streets, a previously approved Play Street;
 - b. PS 41 requested 11th Street between 6th and 7th Avenues;
 - c. PS 130 requested (i) Baxter Street between Grand and Hester streets and (ii) Hester Street between Mulberry and Baxter streets;
 - d. 75 Morton requested Barrow Street between Hudson and Greenwich streets;
 - e. City-As-School High School requested Clarkson Street between Hudson and Varick streets; and,
 - f. Harvest Collegiate High School requested a portion of 13th Street between 5th and 6th Avenues and/or other nearby streets and parks to provide additional instructional space and recreation space;
3. Many schools received an auto reply that they should hear back from the Department of Transportation by October 21, 2020, even though NYC public schools are currently scheduled to open on September 10, 2020; and,
4. Local schools also requested access to park and open spaces for additional instructional and recreation space and ongoing approval for three Play Streets previously approved for the 2018-19 school year:
 - a. PS 3 on Grove Street between Bedford and Hudson streets;
 - b. Academy of St. Joseph’s on Washington Place between 6th Avenue and Barrow Street;
 - c. and,

- d. Cooke Academy on MacDougal Street between Houston and King streets.

Therefore, be it Resolved that CB2, Man. urges the Mayor and his deputies to function as school reopening czars to ensure that;

1. The NYC Department of Transportation and the Department of Education implement a fast tracked and streamlined Open Streets program to close streets around schools before the expected start of the 2020-2021 fall public school term; and,
2. The NYC Department of Parks and Recreation, Hudson River Park and other public and private open spaces provide priority access for students on school days.

VOTE: Unanimous, with 43 Board Members in favor.

SLA LICENSING

1. Blossom Union Square, Inc. d/b/a Blossom, 72 University Pl. (New Restaurant Wine)

i. Whereas, the Applicant appeared before CB2, Manhattan’s SLA Licensing committee to present an application for a new Restaurant Wine license to operate a Vegan restaurant with full menu at 72 University Pl., a five-story mixed-use building built in 1900; and,

ii. Whereas, the 3,700 sq. ft. premises (1,800 sq. ft. on the first floor and 1,900 sq. ft. in the basement) has previously been licensed and operated for eating and drinking in a similar method of operation as proposed here; and,

iii. Whereas, the operator presented a certificate of occupancy from the NYC Building Department; and

iv. Whereas, the licensee has operated a similar style vegan-inspired restaurant in the Chelsea section of Manhattan and wishes to move it restaurant operations to a new location in Greenwich Village, there will be 23 tables and 62 seats and one bar with 6 seats for an overall number of 68 seats, there will be 1 entrance and 1 exit and 2 bathrooms; there will no TVs; and,

v. \ Whereas, the applicant’s proposed hours of operation will be Sunday to Thursday from 11:00 AM to 11:00 PM, Friday and Saturday from 11:00 AM to 12:00 AM, music will be quiet ambient background only, there is no sidewalk café, the façade in front is fixed and there is no plan to renovate the façade with operable doors or windows; and,

vi. Whereas, the applicant signed and notarized stipulations agreement with CB2, Man. which will be incorporated and define its method of operation as a full-service restaurant and those stipulations are as follows:

1. The premises will be advertised and operated as a Vegan restaurant with full menu with the kitchen open and full menu items available until closing every night.
2. The hours of operation will be Sunday to Thursday from 11:00 AM to 11:00 PM, Friday and Saturday from 11:00 AM to 12:00 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. There will be no TVs.

5. Will not operate a backyard garden or any outdoor area for commercial purposes.
6. Will not have a sidewalk café.
7. Will not install or have French doors, operable windows or open facades.
8. Will not make changes to the existing façade except to change signage or awning.
9. The premises will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at any time.
10. Will not have unlimited drink or unlimited food & drink specials. Will not have boozy brunches, or pitchers of beer.
11. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged, velvet ropes or barriers, security personnel or any scheduled performances.
12. There will be no "bottle service" on the sale of bottles of alcohol except for the sale of bottles of wine products.
13. The premises will not permit dancing.
14. Will appear before CB2 Manhattan prior to submitting any changes to any stipulation agreed to herein.
15. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
16. Will abide by all NYC Open Restaurants regulations.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the application for a new Restaurant Wine License to **Blossom Union Square, Inc. d/b/a Blossom, 72 University Place** **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 Wine License.

Vote: Unanimous, with 43 Board members in favor.

2. PQ SoHo, LLC d/b/a Le Pain Quotidien, 100 Grand St. 10013 (New Restaurant Wine)

i. Whereas, the applicant's corporate representative and attorney appeared before CB2, Manhattan's SLA Licensing committee to present an application for a change of ownership/transfer of an existing Restaurant Wine license (SN 1029329 - Expiration 12/31/2020) to continue to operate a Belgian-style bakery café restaurant located in a M1-5B zoned six-story, mixed-use 1910 building on Grand Street between Greene and Mercer Streets (block #474/ lot #22) in the NYC LPC designated SoHo-Cast Iron Historical District; and,

ii. Whereas, the interior 2-story premises is 2,233 sq. ft., with 1,875 sq. ft. on the ground floor and an additional 358 square feet in the basement, a total of 4665 sq. ft., with no patron access or use of the basement space, and has a total of 19 tables with 96 seats and no bar; there is no sidewalk café; and,

iii. Whereas, the proposed method of operation is the same and unchanged from the prior operations at the storefront location and the applicants agreed to a new stipulation agreement with CB2, Man. with is entirely consistent with the prior stipulations at this same location and those stipulations are as follows:

1. Premises will be advertised and operated as a Belgian-style bakery café restaurant.
2. The hours of operation will be 7AM to 8:30PM; Sunday to Saturday. No patrons will remain after stated closing time.
3. Will operate as a full-service restaurant, specifically a "casual restaurant focused on healthy and organic foods using seasonal vegetables with an emphasis on communal tables" with
4. the kitchen open and full menu items available until closing every night.

5. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be
6. operated in that manner.
7. Will not have televisions.
8. Will not operate a backyard garden or any outdoor area for commercial purposes (not including licensed sidewalk café)
9. Will play quiet ambient, recorded background music only. No music will be audible in any adjacent residences anytime.
10. Will close all doors & windows by 8:30 p.m. every night
11. Will not install or have French doors, operable windows, or open façades.
12. Will not make changes to the existing façade except to change signage or awning.
13. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
14. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches.” No pitchers of beer.
15. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
16. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
17. 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/door staff.
18. There will be no stand-up bar.
19. Will not apply for an OP license in the future.
20. Will abide by all NYC Open Restaurants regulations.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the Restaurant Wine license for **PQ SoHo, LLC d/b/a Le Pain Quotidien, 100 Grand 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 License.

Vote: Unanimous, with 43 Board members in favor.

3. PQ 8th Street, Inc., d/b/a Le Pain Quotidien, 10 Fifth Ave. 10011 (New Restaurant Wine)

i. Whereas, the applicant’s corporate representative and attorney appeared before CB2, Manhattan’s SLA Licensing committee to present an application for a change of ownership/transfer of the existing liquor license (SN 1210568) to continue to operate their casual restaurant focused on healthy and organic foods using local fresh ingredients with an emphasis on communal tables located in a four-story, mixed-use 1880 building on Fifth Avenue between E. 8th and E 9th Streets (block #572/lot #44) in the NYC LPC designated Greenwich Village Historic District; and,

ii. Whereas, the interior 2-story premises is 2,500 sq. ft., with 2,000 sq. ft. on the ground floor and an additional 500 square feet in the basement, with no patron access or use of the basement space, and has a total of 23 tables with 64 seats and no bar; there is no sidewalk café; and applicant has a Letter of No Objection to the usage from the NYC Dept. of Buildings; and,

iii. Whereas, the applicant agreed to the stipulation agreement with CB2, Man:

1. The hours of operation will be Sunday 8AM to 7:00PM; Monday to Saturday 7AM to 8PM. No patrons will remain after stated closing time.

2. Will operate as a full-service casual restaurant, with the kitchen open and full menu items available until closing every night.
3. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
4. Will not have televisions.
5. Will not operate a backyard garden or any outdoor area for commercial purposes.
6. Will play quiet ambient, recorded background music only. No music will be audible in any adjacent residences anytime.
7. Will close all doors & windows at 8 p.m. every night and anytime there is amplified music, live music or a DJ.
8. Will close all doors and windows at all times; will not have French doors or operable windows.
9. Will not make changes to the existing façade except to change signage or awning.
10. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
11. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches.” No pitchers of beer.
12. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
13. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
14. 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/door staff.
15. Will abide by all NYC Open Restaurants regulations.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the Restaurant Wine license for **PQ 8th Street, Inc., d/b/a Le Pain Quotidien, 10 Fifth Ave. 10011**, **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 License.

Vote: Unanimous, with 43 Board members in favor.

4. Fabrizio Prim Cavallacci d/b/a Caffe Reggio, 119 MacDougal Street, New York 10012 (New OP — Upgrade from RW)

i. Whereas, the Applicant and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to upgrade from a Restaurant Wine license to a On Premise license to continue to operate an family friendly Italian Restaurant in a mixed-use building located in the South Village Historic District on MacDougal Street between West 3rd Street and Minetta Lane (block #543 / lot #21), for a 1,550 q. ft premise which has 20 tables and 44 seats; and,

ii. Whereas, the restaurant will operate with a full service kitchen with chef/cook in a 1,550 sq. ft. premises (1st floor and basement with basement used for storage); the premises has one (1) entrance and (2) exits and one (1) patron bathroom, 20 tables with 44 seats and no bar for an interior patron capacity of 44 and a 210 sq. ft sidewalk café with 4 tables and 8 seats, there are no operable French doors or windows and no backyard use; and

iii. Whereas, the Applicant’s hours of operation of the interior restaurant are Sunday through Thursday from 9:00 AM to 3:00 AM, Friday and Saturday from 9:00 AM to 4:00 AM however all alcohol service will cease at 2:00 AM sharp every night / 7 days a week and no patrons will be served alcoholic

beverages after 2:00 AM; the hours of operation of the sidewalk café are Sunday through Thursday from 9:00 AM to 12:00 AM and Friday and Saturday from 9:00 AM to 1:00 AM, all service to end and patrons to be cleared by exterior closing hours; and

iv. **Whereas**, all music will be background only and no music will be audible in any adjacent residences at any time, there will be no DJs, no promoted events, no live music, no private parties, no scheduled performances or cover fees, no TV's, velvet ropes, metal barricades or security personnel; and

v. **Whereas**, this establishment has existed for 93 years, the current owner having operated the restaurant since 2012 and is in good standing, the Community Board received approximately 20 letters in support of this application; and

iv. **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 Restaurant Wine License, with those stipulations as follows:

1. The premises will be advertised and operated as full service, family friendly Italian Restaurant.
2. The hours of operation will be from 9:00 AM to 3:00 AM Sunday through Thursday and 9:00 AM to 4:00 AM Friday and Saturday with all service of alcohol ending at 2:00 AM sharp every night, no patrons will be served alcoholic beverages after 2:00 AM nightly.
3. The premises will not operate as a Lounge, Tavern, or Sports Bar or allow any portion of premises to be operated in that manner.
4. There will be no televisions.
5. The Applicant will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
6. Any DCA licensed sidewalk will comply with all department of Consumer Affairs Sidewalk Café Regulations including ending all patrons in sidewalk café at 12:00 AM Sunday through Thursday and 1:00 AM Friday and Saturday.
7. The Applicant will play quiet ambient recorded background music only; no music will be audible in any adjacent residences at any time.
8. The Applicant will not install French doors, operable windows or open façades.
9. The Applicant will not make any changes to the existing façade except to change the signage or awning.
10. It will comply with NYC Department of Buildings Regulations and keep current at all times required Permits & Certificates
11. It will not have unlimited drink or unlimited food and drink specials; it will not have "boozy brunches".
12. There will be no "bottle service" or the sale of bottles of alcohol except for the sale of bottles of wine products. There will be no pitchers of beer.
13. It will not have any of the following: dancing, DJs, live music promoted events, any event where a cover fee is charged, scheduled performances, velvet ropes or metal barricades, or security personnel/doormen.
14. Will abide by all NYC Open Restaurants regulations.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the application for an upgrade to an On Premise License to **Fabrizio Prim Cavallacci d/b/a Caffè Reggio**, **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 License.

Vote: Unanimous, with 43 Board members in favor.

5. 401 West Good Times, Inc., d/b/a TBD, 401 West Street, 1st Floor, 10014 (New OP – Private Club)

i. Whereas, the Applicant and its Attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for Club Liquor License to operate a private club for the exclusive use of building residents on the first floor of a new C1-6A (R7A equivalent) zoned seven-story mixed-use building on West Street between Charles St. and W. 10th St. (Block #646/Lot #46); this new construction is expected to be completed in 2021; and

ii. Whereas, the total licensed premises will be approximately 1,200 sq. ft. and consist of an indoor lounge of approximately 600 sq. ft. and a courtyard of approximately 600 sq. ft.; there will be a total of 54 seats in the premises consisting of six (6) tables with 14 seats in the lounge, seven (7) tables with 21 seats in the courtyard, 12 seats of sofa/lounge chair seating, and seven (7) seats at one (1) stand-up bar; the premises will have two (2) entrances, two (2) exits, and two (2) bathrooms; there will be no access to other parts of the building from the premises; and

iii. Whereas, the indoor lounge is proposed to operate 24 hours a day (with alcohol service not to exceed the hours permitted by law); the courtyard’s proposed hours of operation are 8:00 AM to 10:00 PM Monday through Thursday, 8:00 AM to 11:00 PM on Fridays, and 10:00 AM to 11:00 PM on Saturdays and Sundays; music will be of a quiet, background-only nature with some amplification; there will be no music or speakers in the exterior courtyard and all doors leading to the exterior courtyard will be closed any time there is music playing on the interior; the Applicant has stated that there will be no promoted events, no scheduled performances, no cover fees and no TVs, but anticipates allowing residents to host private parties; and

iv. Whereas, the Applicant failed to properly engage in any community outreach to those immediately impacted by the proposed operations on the exterior, and is seeking a full liquor license for a location never previously licensed, thereby adding another licensed establishment to an area that is not only license-saturated but whose already-licensed business are struggling to survive in the current pandemic-ravaged environment; and

v. Whereas, while the Applicant has stated that it is incorporated as a not-for-profit entity [**no registration under Applicant’s name found**] and that it anticipates that the private club likely will be subsidized by revenues from the rental units in the building, it has not denied that if profitable, the profits would benefit personally the corporation’s owner; further, the Applicant has acknowledged that the private club nature of the premises is being marketed as a featured amenity of its new luxury rental apartment building, which is the latest in a series of similarly-conceived residential buildings it operates elsewhere as part of its for-profit business model; the Applicant has also acknowledged that the membership of the private club will be comprised of residents whose sole connection to one another is a shared residential address and whose membership in the club is contingent upon remaining a resident at such address; and

vi. Whereas, it is improper to operate a private club as a non-profit entity when, as a component of a for-profit business, it exists to further the goals of the for-profit business when NYS ABC law makes Club Liquor Licenses available exclusively for a “club,” that is defined by statute as “an organization of persons incorporated pursuant to the provisions of the not-for-profit corporation law . . . which does not

traffic in alcoholic beverages for profit and is operated solely for a recreational, social, patriotic, political, benevolent or athletic purpose **but not for pecuniary gain** . . . (NYS ABC Law § 3(9), [bold added]); and

vii. Whereas, the Applicant [**intends to register/has registered**] as a not-for-profit under NYS Not-For-Profit Corporation law, but by its own characterization the club it plans to operate will exist as a component of a for-profit business that operates for the pecuniary benefit of its owner and not as a true “Not-for-Profit” entity, defined as “(1) . . . exclusively for a purpose or purposes, not for **pecuniary profit or financial gain**, for which a corporation may be formed under this chapter . . . and (2) no part of the assets, income or profit of which is distributable to, or enures to the benefit of, its members, directors or officers except to the extent permitted under this statute.” NYS NFP Corp. Law § 103(5) [bold added]); as such, it cannot be said with clarity that the premises to be licensed here “[will] not traffic in alcoholic beverages for profit and is operated . . . not for pecuniary gain.” [NYS ABC Law § 3(9)]; and

viii. Whereas, the method of operation being proposed is not yet recognized by NYS law and no real guidance has been provided to date by the NYS Liquor Authority on the legality of a Club category license for an establishment of the type here proposed; and

ix. Whereas, while CB2, Man. understands the need and purpose for licensing for-profit businesses of the nature anticipated by this application, the proposed reasoning from the Applicant is inconsistent with a plain reading of existing NYS ABC and Not-For-Profit Corporation law and to permit a business to operate under a classification inconsistent with the laws’ true purpose represents a dangerous precedent; what is needed are new laws/regulations providing specific guidance that will address the permissibility of alcohol service in an operation of the type presented in this application.

THEREFORE, BE IT RESOLVED that CB2, Man. recommends **denial** of the application for a Club Liquor License for **401 West Good Times, Inc. d/b/a TBD, 401 West Street, 10014**; and

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

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

Vote: Unanimous, with 43 Board members in favor.

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

6. Goukui Management, Inc. d/b/a Crop Circle, 126 Macdougall St. 10012 (New RW –withdrawn at meeting)

Whereas, at this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on August 4, 2020 the Applicant and the Applicant’s Attorney requested to withdraw this application from further consideration, 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; and,

Whereas, the reason for the withdrawal is that the proposed premises to be licensed does not have an accessible patron bathroom, as required by the State Liquor Authority and ABC laws, the Applicant now considering plans to renovate its storefront space to allow for a bathroom that is accessible to patrons;

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 Macdougall 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.

7. MA. GA. GE. Food, LLC d/b/a The Coppola Café, 171 W. 4th St. 10014 (New Tavern Wine)
(Laid over until September/2020)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 4, 2020 the Applicant requested **to layover** on 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 **MA. GA. GE. Food, LLC d/b/a The Coppola Café, 171 W. 4th 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.

8. 379 Broome LLC, d/b/a Greecologies Café, 379 Broome St. 10013 (New RW – Café) (Laid over until September/2020)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 4, 2020 the Applicant requested **to layover** this application this application from further consideration, 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 **379 Broome LLC, d/b/a Greecologies Café, 379 Broome 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.

9. Gigi's of Mulberry, Inc. d/b/a Mulberry, 149 Mulberry St. 10013 (New OP – laid over to Sept./2020)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 4, 2020 the Applicant requested to layover this application this application from further consideration, 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 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.

10. CCFC 62 Spring, LLC, d/b/a Chef's Club Counter, 62 Spring St. 10012 (Class Change-Upgrade from RW to OP – laid over to Sept./2020)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 4, 2020 the Applicant requested to layover this application this application from further consideration, 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 **CCFC 62 Spring, LLC, d/b/a Chef's Club Counter, 62 Spring St. 10012** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 43 Board members in favor.

11. Holim, LLC d/b/a Comedor, 110 Thompson St., 10012 (New OP – laid over to Sept./2020)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 4, 2020 the Applicant requested to layover this application this application from further consideration, 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 **Holim,**

LLC d/b/a Comedor, 110 Thompson St., 10012 until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 43 Board members in favor.

12. Rosecrans Retail, LLC d/b/a Rosecrans, 7 Greenwich Ave. 10014 (New OP – Failed to Appear)

Whereas, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 4, 2020 the Applicant served CB2, Man. with a 30 day notice but then failed to appear and thereafter provided no explanation or response, despite repeated attempts to contact the applicant for this purpose, and to allow the applicant to present this application as necessary;

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 **Rosecrans Retail, LLC d/b/a Rosecrans, 7 Greenwich Ave. 10014** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 43 Board members in favor.

Respectfully submitted,

Valerie De La Rosa
Secretary
Community Board #2, Manhattan