

Jeannine Kiely, Chair  
Susan Kent, 1st Vice Chair  
Valerie De La Rosa, 2nd Vice Chair



Antony Wong, Treasurer  
Eugene Yoo, Secretary  
Ritu Chattree, Assistant Secretary

## COMMUNITY BOARD No. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

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

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

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

### **FULL BOARD MEETING AGENDA**

**DATE:** Thursday, November 17, 2022  
**TIME:** 6:30 PM  
**PLACE:** Via Video-Conference (with an in-person option in the CB2 conference room)

#### **I. ATTENDANCE**

**II. PUBLIC SESSION:** Members of the community may speak for a time to be specified by the Board Chair on any issue of interest to the community. *\*Virtual Public Speaker's cards must have been submitted before 5:00 p.m. to [info@cb2manhattan.org](mailto:info@cb2manhattan.org)* Written correspondence received in lieu of spoken testimony will be summarized.

#### **III. ADOPTION OF AGENDA**

#### **IV. REPORTS TO THE PUBLIC**

- |                               |                |
|-------------------------------|----------------|
| 1. Elected Officials' Reports |                |
| 2. Borough President's Report | Andrew Chang   |
| 3. Chair's Report             | Jeannine Kiely |

#### **BUSINESS SESSION**

#### **V. APPROVAL OF THE OCTOBER MINUTES**

#### **VI. STANDING COMMITTEE REPORTS AND OTHER BUSINESS**

- |   |                            |
|---|----------------------------|
| 1. Landmarks  | Chenault Spence            |
| 2. Quality of Life  | William Benesh             |
| 3. Traffic & Transportation                                   | Shirley Secunda            |
| 4. Human Services   | Susanna Aaron              |
| 5. Arts & Institutions/Community Facilities<br>Advisory Group | Ivy Kwan Arce/David Gruber |
| 6. SLA Licensing  | Robert Ely/Donna Raftery   |
| 7. Bylaws   | Susan Kent                 |

#### **VII. NEW BUSINESS**

- |   |                |
|---|----------------|
| 1. Resolution in Support of the 9/11 Responder & Survivor Health Funding Correction Act (H.R. 4965/S. 2683) | Jeannine Kiely |
|---|----------------|

#### **VIII. ADJOURNMENT**

# DRAFT

December 2022						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				<b>1</b> TRAFFIC & TRANSPORTATION	<b>2</b>	<b>3</b>
<b>4</b>	<b>5</b> QUALITY OF LIFE	<b>6</b> SLA LICENSING 1	<b>7</b> PARKS/WATERFRONT	<b>8</b> SLA LICENSING 2	<b>9</b>	<b>10</b>
<b>11</b>	<b>12</b> SCHOOLS & EDUCATION	<b>13</b> 5:30 PM BYLAWS HOLIDAY PARTY	<b>14</b> LAND USE	<b>15</b> LANDMARKS 1	<b>16</b>	<b>17</b>
<b>18</b>	<b>19</b> EQUITY, RACE & JUSTICE	<b>20</b> EXECUTIVE	<b>21</b> LANDMARKS 2 (if necessary)	<b>22</b> FULL BOARD	<b>23</b>	<b>24</b>
<b>25</b> Christmas	<b>26</b> CHRISTMAS (Observed) -OFFICE CLOSED-	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>	<b>31</b> <u>Not Meeting In December</u> ECON DEV & SM. BUS HUMAN SERVICES  <u>To Schedule</u> ARTS & INSTITUTIONS

Jeannine Kiely, *Chair*  
Susan Kent, *1st Vice Chair*  
Valerie De La Rosa, *2nd Vice Chair*



Antony Wong, *Treasurer*  
Amy Brenna, *Secretary*  
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The Community Board 2, Manhattan Landmarks and Public Aesthetics Committee held its November meeting on November 10, 2022 by video conferencing.

**Committee Members Present:** Chenault Spence (Chair), Valerie De La Rosa, Brian Pape, Eugene Yoo, Bo Ricobono, Zachary Roberts, Mostafa Osman, Anita Brandt

**Board Members Absent with Notice:** Susan Gammie

**Board Members Absent without Notice:**

**Public Members Present:** Andy Clark, Brenden Fitzgerald

**Public Members Absent with notice:** Albert Bennett

**Board members:**

### 1. 817 Washington St. - Application is to establish a Master Plan for a hand painted wall sign.

**Whereas:**

- A. The sign is on a secondary facade above a one-story building with a setback penthouse; and
- B. A historic photograph shows evidence that there was a sign in the location proposed; and
- C. The dimensions are 15' tall and 12' wide with a 2'-0" distance from front facade and from the top of the parapet and was represented by the applicant as conforming to the regulations for the building and the district; and
- D. The regulations, especially with respect to size, appear to assume that a painted sign would be higher up on a taller building; and
- E. The size of the sign and the clearance in the context of its proximity to the roof and the penthouse of the adjacent building make for a crowded composition as viewed from the street; now

**Therefore be it resolved that CB2 Manhattan recommends:**

- A. That staff verify that the sign conforms to all applicable regulations for painted signs for the building and the district; and

**B. That, in consideration of the context and aesthetics of the placement - with respect to the adjacent building and location (only one story above street level) - the size of the sign be reduced to approximately 13' high and 10' wide and be in the same position.**

**Unanimous**

**2. 242 Lafayette St. – Application is to replace the 2<sup>nd</sup> floor north windows, 2 on the front facade and 4 in the rear of the building to replicate previously-approved work.**

**Whereas**

- A. The windows to be replaced are a variety of non-historic windows installed at various times; and
- B. The replacement windows are patterned after windows that have recently been approved by LPC, replaced elsewhere on the front facade and are similar to the unusually wide original single pane double hung windows with two side by side double hung windows that can support the heavier insulated double glazing; and

**Now therefore be it resolved that CB2 Manhattan recommends approval of the application for replacement windows patterned on recent replacements in the facade.**

**Unanimous**

**3. 46 Jane St. – Application is to restore the front stoop and façade ornament, replace the front railing, construct a one-story rooftop addition and elevator bulkhead, enlarge and replace rear façade windows, remove fire escapes, add stair to yard.**

**Whereas**

- A. The house is one of a unified row that is reasonably intact, and the proposal is to restore the front facade with a stoop, historic and parlor floor entry and replacement of windows and iron work with those of historic design, that will enhance the unity of the row and that this restoration was represented by the applicant as being approved by staff; and
- B. The colors of the woodwork, door, and iron work are historic and help to unify the row; and
- C. Rear facade is to have the extension and fire escape removed and the basement and parlor have full width multi-pane windows with similar smaller windows on the upper stories and were represented by the applicant as being approved by staff; and
- D. The rooftop addition in stucco with a pitched roof and divided glass doors in the front and rear is set back 16'-0" from the front facade and 6'-0" from the rear facade; and
- E. The reflective glass guard rail is set back 3'-6" from the facade and is an unwelcome contemporary design in an otherwise historically sympathetic design of the roof addition; and
- F. The elevator bulkhead is at the back of the building; and

G. The photographs of the rooftop were unusable in determining the visibility of the rooftop structures owing to foliage and the applicant submitted computer simulations of the sight lines and visibility from public thoroughfares which purports to be minimal from distant points; now

**Therefore be it resolved that CB2 Manhattan:**

**A. Recommends approval of the front facade paint colors and the rooftop penthouse and elevator bulkhead; and**

**B. Recommends denial of the contemporary rooftop reflective glass guard rail and recommends instead a dark metal rail to be in accord with the historic building; and**

**C. Is in accord with the front facade restoration and rear facade modifications that were represented as being approved by staff.**

**Unanimous**

**Respectfully submitted,**

*Chenault Spence*

Chenault Spence, Chair



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### QUALITY OF LIFE COMMITTEE

November 2022

The Quality of Life Committee of Community Board #2, Manhattan held its monthly meeting on Monday, November 7<sup>th</sup>, 2022, at 6:30 p.m. via Zoom.

**Committee Members Present:** William Benesh (Chair), Susan Kent, Brian Pape, Michael Levine, Rocio Sanz, Wayne Kawadler, Ed Ma, Zachary Roberts

**Public Members Present:** Johanna Lawton, Karen Eckhoff

**Committee Members Absent with Notification:** None

**Public Member Absent with Notification:** None

**Other CB2 Members Present:** Carter Booth, Donna Raftery

- 1. Resolution calling for an extension of the public comment period and increased engagement with key constituencies regarding the Tier 1 Environmental Impact Study (“EIS”) and Tentatively Selected Plan (“TSP”) of the US Army Corps of Engineers (“USACE”) New York / New Jersey Harbors and Tributaries (“NYNJHAT”) Study.**
- 1. Whereas,** following Superstorm Sandy in 2012, President Obama signed into law the Disaster Appropriations Act of 2013 to assist in the recovery in the aftermath of Hurricane Sandy; and
- 2. Whereas,** the Disaster Appropriations Act authorized the US Army Corps of Engineers (“USACE”) to commence the North Atlantic Coast Comprehensive Study in order to study coastal storm risk management strategies, which was completed in 2015 and which identified the New York / New Jersey Harbors and Tributaries (“NYNJHAT”) area as one of three focus areas; and
- 3. Whereas,** USACE embarked upon the NYNJHAT study in partnership with the New York State Department of Environmental Conservation (“NYSDEC”) and the New Jersey

Department of Environmental Protection (“NJDEP”), a cost-sharing agreement being executed amongst these entities in 2016; and

4. **Whereas**, following years of work on the study, including the release of an interim report in 2019, the USACE released in September 2022 the study’s final Tier 1 Environmental Impact Study (“EIS”) and Tentatively Selected Plan (“TSP”); and
5. **Whereas**, the USACE chose as their Tentatively Selected Plan (“TSP”) Alternative 3B out of the range of alternatives considered, which includes a series of multi-basin storm surge barriers along with Shore-Based Measures (“SBMs”) across New York City (including CD2), New Jersey, and other New York counties outside of NYC; and;
6. **Whereas**, at 2022 price levels, the TSP has an estimated upfront cost of approximately \$52.6 Billion, of which 65% would be federally funded and 35% would be funded non-federally, with additional maintenance costs throughout the expected life of the constructed infrastructure amounting to approximately \$23 Billion, all of which would be funded non-federally; and
7. **Whereas**, the report released in September 2022 comprises a 569-page main report, and thousands of total pages across a range of appendices and sub-appendices, which cover; and
8. **Whereas**, a public comment period has now been opened for the Tier 1 EIS and the TSP, and is currently set to close on January 6, 2023; and
9. **Whereas**, as part of this public comment period, representatives from the USACE presented to CB2’s Quality of Life (“QoL”) committee on the evening of November 7<sup>th</sup>, 2022; and
10. **Whereas**, CB2 Manhattan understands that any decision to extend the public comment period would need to be made by senior officials at the USACE, including either the head of the USACE NY District Office or by USACE headquarters; and
11. **Whereas**, the proposed timeline following the initial comment period contemplates a chief-of-engineers report to be released in mid-2024, followed by a Tier 2 EIS, a design phase lasting from 2024-2030, the start of construction in 2030, and the completion of the project by 2044; and
12. **Whereas**, Community Board 2 recognizes and appreciates the immense amount of time, analysis and work undertaken by the USACE to compile such a comprehensive report, and the crucial, urgent need for planning to address future storm and flooding threats; and
13. **Whereas**, given the over 7 years already spent compiling the Tier 1 EIS and the TSP, and the anticipated 22 years (i.e. expected completion in 2044) before the community can expect to see the project completed, Community Board 2 believes a deep, broad and comprehensive engagement of the community must be fully undertaken during the present public comment period; and

14. **Whereas**, it became clear during USACE’s presentation to CB2’s QoL committee that several key constituencies had not yet been meaningfully engaged during the public comment period, including the Hudson River Park Trust, which has jurisdiction over Hudson River Park, comprising all of the shoreline within CD2, and the New York State Department of Transportation, which has jurisdiction over State Route 9A (i.e. the “West Side Highway”) running along the west side of CD2, just to the east of Hudson River Park; and
15. **Whereas**, while USACE has announced on their website three virtual public information sessions, which took place at the end of October and the start of November, there was consensus among the QoL committee that these information sessions had not been particularly well publicized; and
16. **Whereas**, while CB2 understands that additional public information sessions are to be held by USACE before the current January 6<sup>th</sup> deadline, we are now entering a holiday period in which it will be more difficult to conduct meaningful public engagement; and
17. **Whereas**, a short extension should allow the USACE to allow more meaningful engagement with the public outside of a holiday period, as well as allow for deeper engagement with key constituencies which have as of yet been minimally targeted by USACE outreach, while not materially delaying the overall planned timeline; now

**Therefore Be It Resolved** that CB2 Manhattan recommends that USACE extend the public comment period for the Tier 1 EIS and TSP of the NYNJHAT study for **up to three months** beyond the current comment period end date of January 6<sup>th</sup>, 2023 to allow for deep engagement with key constituencies and the public at large.

**Therefore Be It Further Resolved** that CB2 Manhattan recommends that USACE immediately seek to hold detailed discussions in order to solicit feedback and commentary from key constituencies including but not limited to the Hudson River Park Trust and the New York State Department of Transportation, **regardless of whether the public comment period is extended.**

**Therefore Be It Finally Resolved** that CB2 Manhattan requests that relevant federal, state, and local officials continue to advocate for a public comment period extension and overall increased engagement, given that any decision to extend the comment period must be made by senior USACE officials.

**Vote: Adopted unanimously**

**Street Activity Applications:**

2. **11/15/22 – DOVE – Washington Square Park (Sponsor: Promobile Kitchen):  
Washington Square North between 5th Ave. and MacDougal St. [curb lane only]**



**Whereas**, the applicant wishes to hold a promotional event for the Dove brand on Washington Square North between 5<sup>th</sup> Avenue and MacDougal street, consisting of a branded truck parked in the curb lane giving away free samples of Dove products; and

**Whereas**, the truck is expected to measure approximately 31 feet in length, taking up 2-3 parking spaces along the curb lane; and

**Whereas**, the activation hours are expected to be 10 AM – 6 PM, with setup beginning at 8:30 AM and the truck removed from the site by 6:30-6:45 PM; and

**Whereas**, the event will not feature food or amplified sound; now

**Therefore Be It Resolved** that CB2 Manhattan recommends **approval** of **DOVE – Washington Square Park (Sponsor: Promobile Kitchen)**, **provided that** the application conforms with all applicable laws, rules, and regulations—including any and all COVID related orders and/or restrictions—and clearance requirements.

**Vote: Unanimous with one recusal (Z. Roberts)**

**3. 11/29/22 – Red Carpet Arrival (Sponsor: Stuart Weissman): LaGuardia Pl. between Washington Square South and West 3rd St. [partial sidewalk closure]**

**Whereas**, the applicant seeks to set up a “red carpet” along the curb lane in front of the NYU Skirball Center, in conjunction with a movie premier inside the Skirball Center on the evening of November 29<sup>th</sup>; and

**Whereas**, set-up for the event will begin at 8 AM, though the red carpet itself will only be open from 6 PM – 7 PM, with the movie premier scheduled to begin at 7 PM; and

**Whereas**, the red carpet is expected to run for around 60 feet along the curb lane, and will also include a canopy above the carpet and a “step and repeat” wall; and

**Whereas**, the applicant only expects approximately 10 people along with their guests to enter the premier via the red carpet, with the rest of the approximately 650 guests at the premier simply entering the venue normally through the front door; and

**Whereas**, NYU security will be onsite, as well as private security hired by the applicant, to manage any crowds around the event, though the applicant is not expecting a substantial crowd; and

**Whereas**, in addition to the red carpet and canopy, the applicant also intends set up risers for press/photographers as well as a generator in the curb lane; and

**Whereas**, the premier is expected to last for 95 minutes, with takedown of the “step and repeat” wall happening immediately after the start of the premier, and takedown of the canopy occurring after the end of the premier and the exit of the guests, around 9 PM; now

**Therefore Be It Resolved** that CB2 Manhattan recommends **approval of Red Carpet Arrival (Sponsor: Stuart Weissman), provided that** the application conforms with all applicable laws, rules, and regulations—including any and all COVID related orders and/or restrictions—and clearance requirements.

**Vote: Adopted unanimously.**

4. **12/02/22 – Harrys Mobile 1 (Sponsor: Coffee n Clothes): Washington Square South between Thompson St. and Sullivan St. [curb lane only]**  
**12/03/22 – Harrys Mobile 2 (Sponsor: Coffee n Clothes): Broadway between Spring St. and Prince St. [curb lane only]**  
**12/04/22 – Harrys Mobile 3 (Sponsor: Coffee n Clothes): Spring St. between Crosby St. and Lafayette St. [curb lane only]**

**Whereas,** the applicant seeks to set up a promotional, branded “holiday food truck” on three subsequent days (December 2<sup>nd</sup>-4<sup>th</sup>) at three different locations within Community District 2; and

**Whereas,** the truck will be branded to promote the Harry’s brand, and will be giving away free hot cocoa and cookies; and

**Whereas,** in addition to the food and drink giveaway, the activation will consist of branded backdrops outside the truck with the opportunity for participants to take photos; and

**Whereas,** the applicant intends to run the activation from 10 AM – 4 PM on each of the three days, with set-up beginning each day at 8 AM and break-down by 5 PM; and

**Whereas,** the event will not feature any amplified sound; and

**Whereas,** for the first application on December 2<sup>nd</sup> (Washington Square South), members of the public suggested that the truck be moved one block east between Thompson and Laguardia, so as not to sit in front of the Judson Memorial Church, which the applicant agreed to do; and

**Whereas,** multiple members of the public objected to the location of the second application on Broadway between Spring and Prince, on the grounds that this block is extremely congested, and that the local community had long fought to keep food trucks from parking on Broadway; and

**Whereas,** CB2 Manhattan understands that CECM has embargoed all events during the holiday season from Nov 23 – Jan 3 on Broadway between Houston and Canal; now

**Therefore Be It Resolved** that CB2 Manhattan recommends **approval of Harrys Mobile 1 (Sponsor: Coffee n Clothes), provided that** the application conforms with all applicable laws, rules, and regulations—including any and all COVID related orders and/or restrictions—and clearance requirements.

**Therefore Be It Further Resolved** that CB2 Manhattan requests that this event be moved one block east, between Thompson and Laguardia, as agreed by the applicant.

**Therefore Be It Further Resolved** that CB2 Manhattan recommends **denial** of **Harrys Mobile 2 (Sponsor: Coffee n Clothes)**.

**Therefore Be It Further Resolved** that CB2 Manhattan believes such event would be subject to CECM's holiday season embargo on Broadway between Houston and Canal.

**Therefore Be It Finally Resolved** that CB2 Manhattan recommends **approval** of **Harrys Mobile 3 (Sponsor: Coffee n Clothes)**, **provided that** the application conforms with all applicable laws, rules, and regulations—including any and all COVID related orders and/or restrictions—and clearance requirements.

**Vote: Unanimous with one recusal (Z. Roberts)**

5. **12/03/22 – Penguin Random House – Book Vending Machine (Sponsor: Havas Street): Gansevoort Pedestrian Plaza [pedestrian plaza]**

**Whereas**, the applicant did not appear on behalf of this application and the committee was unable to hear the particulars of this event; now

**Therefore Be It Resolved** that CB2 Manhattan recommends **denial** of **Penguin Random House – Book Vending Machine (Sponsor: Havas Street)**.

**Vote: Adopted unanimously.**

6. **12/09/22 – Valentino Beauty Double Decker Bus: 9th Ave. between Little West 12th St. and West 13th St. [curb lane only]**

**Whereas**, Fashion house Valentino is seeking to partner with Sephora for the promotion of their holiday line through the placement of a branded double-decker bus in the curb lane outside of the Sephora store on 9<sup>th</sup> Avenue; and

**Whereas**, the activation is scheduled to occur on December 9<sup>th</sup> from 10 AM – 7 PM in order to align with an in-store event taking place at the same time in the Sephora store; and

**Whereas**, the lower level of the bus will consist of a “product discovery” space, with the upper level serving as a coffee bar in partnership with a local coffee shop; and

**Whereas**, the applicant expects between 75-200 people to visit the bus throughout the day; and

**Whereas**, the intends to have four Valentino brand ambassadors on site as well as security to manage any lines should they form outside the bus; and

**Whereas**, while music will be played inside the bus, the event will not feature amplified sound externally; and

**Whereas**, in response to CB2 board member concerns about the entrance to the bus facing into the middle of the street, the applicant agreed to park the bus in the curb lane facing the “wrong way” down 9<sup>th</sup> avenue, so that the entrance of the bus would face onto the sidewalk; now

**Therefore Be It Resolved** that CB2 Manhattan recommends **approval** of **Valentino Beauty Double Decker Bus**, **provided that** the application conforms with all applicable laws, rules, and regulations—including any and all COVID related orders and/or restrictions—and clearance requirements.

**Vote: Adopted unanimously.**

**7. 1/09/23 – 3AM Theater (Sponsor: DOT NYC): Lafayette St. between Spring St. and Kenmare St.**

**Whereas**, the applicant did not appear on behalf of this application and the committee was unable to hear the particulars of this event; now

**Therefore Be It Resolved** that CB2 Manhattan recommends **denial** of **3AM Theater (Sponsor: DOT NYC)**.

**Vote: Adopted unanimously.**

**FYI/Renewals:**

**8. 12/07/22 [Setup Date], 12/08/22 [Start Date], 12/12/22 [End Date & Breakdown Date] – Meatpacking District Holiday Lights: Gansevoort Pedestrian Plaza [pedestrian plaza]**

**Whereas**, these events have been held continuously for many years and no recent complaints have been received; now

**Therefore Be It Resolved** that CB2 Manhattan recommends **approval** of these renewal applications **provided that** the applications conform with all applicable laws, rules, and regulations—including any and all COVID related orders and/or restrictions—and clearance requirements.

**Vote: Adopted unanimously**

Respectfully submitted,

William Benesh, Chair

Jeannine Kiely, *Chair*  
Susan Kent, *First Vice Chair*  
Valerie De La Rosa, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
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### TRAFFIC AND TRANSPORTATION COMMITTEE

**November 2022**

The Traffic and Transportation Committee of Community Board #2, Manhattan held its monthly meeting on Thursday, November 3, 2022, at 5:30 p.m. via Video Conference.

**Board Members Present:** Shirley Secunda (Chair), Natasha Avanesians, Amy Brenna, Ritu Chattree, Janet Liff, Daniel Miller (Vice Chair), Lois Rakoff, Antony Wong, Adam Zeldin.

**Board Members Absent with notification:**

**Board Members Absent:**

**Public Members Present:** Joseph Flahaven, George Haikalis.

**Public Members Absent with notification:**

**Public Members Absent:**

**Other Board Members Present:** Jeannine Kiely (Chair), Katy Bordonaro, Carter Booth, Donna Raftery, Michael Levine, Eva Mai (CB2 Community Assistant).

**Guests:** Jessica Cronstein, Jackie Lazaro, Kimberly Rancourt, Stevie Feig & Dee Nelson (NYCDOT); Adam Levine & Thomas Bayer (NYSDOT); Tevin Williams (NYS Senator Hoylman), Roy Ruiz (Assembly Member Glick), Nicole Barth (Council Member Bottcher), Jeffrey LeFrancois & Kevin Capuno (Meatpacking BID); Jake McNally (Hudson Sq. BID), Chandler Forsythe (NoHo BID), Robert Atterbury (HRPT), Jake Elghanayan & Jon McMillan (TF Cornerstone); Zach Winestine, Anna Marcum (Village Preservation), Jane Carey (Whitney Museum), Jeffrey Rowland, Darlene Lutz, Pete Davies, Rachel Antelmi & Adrienne Moretz (Getaround); Torrey Fishman & Shahed Choudhury (Zipcar); Jon Stein, Jonathan Bell, Regina Gutierrez, Myles Lewis, Andrew Matsuoka, Kai Uchida, Jonathan Weizmann, Nate Mason, Michael Markowitz, Hector Vega, Michel Boatrocker.

### RESOLUTIONS:

#### **1. Resolution in response to proposed pedestrian, bicycle, and public space improvements on 10th Ave. btw. Gansevoort and Horatio Sts.**

**Whereas** the NYC Dept. of Transportation (DOT) in coordination with the Meatpacking Business Improvement District (MPD) and TF Cornerstone (TFC), presented a proposal for

improving 10th Ave btw. Gansevoort and Horatio Sts., including changes in design, markings and signalization along with public space enhancements to accommodate and safeguard pedestrians and bicyclists; and

**Whereas** the proposed improvements address existing conditions of concern similar to those set forth in Community Board 2 Manhattan's (CB2) resolution adopted June 23, 2022, such as 10th Ave.'s overly wide roadway that enables drag racing and other negative behaviors, unused space no longer needed for servicing Meatpacking District trucks that could be repurposed for community-friendly use, a confusing road design and lack of markings that both mislead and endanger pedestrians and drivers alike, and a need for safer crossings to the Hudson River Park (HRP); and

**Whereas** proposed improvements include:

- Creation of a new public space/plaza in combination with one southbound travel lane.
- Design of the travel lane (on 10th Ave.), in combination with a bike lane, new signage, and markings, to accommodate Whitney Museum art deliveries, channel traffic south on 9A (West St.), connect cyclists from Gansevoort St. to the HRP Greenway and clarify the route for a safer passage.
- Creation of a new West St. crossing for pedestrians with a new pedestrian signal.
- Extend the westbound W. 13th St. bike lane further west to the new 10th Ave. bikeway providing a connection to the HRP Greenway.
- Extend the eastbound Little W. 12th St. bike lane further west to the new 10th Ave. bikeway providing a connection leading back from the HRP Greenway. (This is proposed for longer into the future).
- Installation of planters and other greenery, movable furniture, boulders (granite blocks) and other public amenities.; and

**Whereas** DOT will implement markings, signals and signage changes, while MPD and TFC will supply edge objects and movable furniture and implement pedestrian space color, while the Whitney will help define plaza design elements. Once implementation is complete, MPD will provide maintenance as it does now for the MPD's other public spaces; and

**Whereas** the proposed West St. crosswalk is diagonal, i.e. longer than one that would be straight across, and ample signal time will be needed to safely traverse this very long crossing. Many pedestrians can cross no more than 3 ft. (in some cases, no more than 2 ft.) per second;<sup>1, 2</sup> on

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<sup>1</sup> Manual on Uniform Traffic Control Devices for Streets and Highways, Federal Highway Administration. 2009 Edition including Revision 2 dated May 2012. 4E.06 Pedestrian Intervals and Signal Phases, Paragraph 10, Page 98. <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/mutcd2009r1r2edition.pdf> "Where pedestrians who walk slower than 3.5 feet per second, or pedestrians who use wheelchairs, routinely use the crosswalk, a walking speed of less than 3.5 feet per second should be considered in determining the pedestrian clearance time.

<sup>2</sup> Federal Highway Administration University Course on Bicycle and Pedestrian Transportation. LESSON 8: PEDESTRIAN CHARACTERISTICS. Section 8.4. July 2006. <https://www.fhwa.dot.gov/publications/research/safety/pedbike/05085/chapt8.cfm> By definition, about half of all pedestrians travel at a slower pace than the average walking speed. These slower walking pedestrians include older pedestrians, people with disabilities, and people pushing a baby stroller and/or paying attention to younger children

West St. at least 40 seconds are needed for these users to safely cross, which DOT has previously indicated is feasible. 43 seconds is being considered, but the final signal time has yet to be determined; and

**Whereas** community members enthusiastically welcomed the proposal and supported its concepts; and

**Whereas** several expressed their preference for a fully pedestrianized area, and it was indicated that this is envisioned for a future phase; and

**Whereas** the primary reason to maintain a through vehicle lane on 10th Ave. is to allow for local deliveries to the Whitney, and local deliveries are allowed on Open Streets, areas by definition that allow pedestrians, cyclists and local deliveries only and bar through traffic; and

**Whereas** preference was expressed for extending and connecting both the W. 13th St. and Little W. 12th St. bike lanes to 10th Ave. at the same time, in the initial implementation, since each provides needed (and complementary) access in a different direction (W. 13th west to the HRP/Little W. 12th east from the HRP); and

**Whereas** the Union Square pedestrian area on Broadway btw. E. 17th and E. 18th Sts. was presented photographically as one model demonstrating what's visualized for the proposed public space improvements, being approximately the same size as the 10th Ave. area and employing elements that would clearly and attractively define the plaza and safeguard pedestrians from vehicular activity, including granite blocks and plantings. Granite blocks are part of DOT in-house materials, and DOT providing them would be both efficient and cost-saving; and

**Whereas** it is expected that final design details will be coordinated throughout the winter, 2022-2023, with implementation scheduled for Spring 2023. At this point, details about what is visualized are still vague, such as type and placement of furniture (movable and/or otherwise), incorporation of plantings and granite blocks, design of the bike paths, as well as signalization;

**Therefore be it resolved** that CB2 is in favor of the proposal to transform the currently underutilized space on 10th Ave. btw. Gansevoort and Horatio Sts. to public space with needed enhancements and safety measures that will benefit the community and supports the opportunity to employ short-term recommendations for quick implementation and betterment; and

**Be it further resolved** that CB2 urges applying signal timing at the new West St. crossing that allows for at least 40 seconds of crossing time (and more, if necessary) to provide sufficient time to cross for both the physically challenged and all those traversing West St.'s substantial width and also encourages coordination with other West St. traffic signals to render all in sync with ample crossing time; and

**Be it further resolved** that CB2 looks forward to MPD's presentation next month addressing a longer term vision including full pedestrianization of the 10th Ave. area at a later phase when

---

walking alongside (see figure 8-1). Therefore, the slower walking speeds of these groups should be considered when designing pedestrian facilities such as crossing times at intersections.

sufficient study and resources are available to explore this potential. Until this later phase occurs, CB2 asks that consideration be given to the possibility of converting this piece of 10th Ave. to an Open Street; and

**Be it further resolved** that CB2 strongly recommends that the planned extension of both the W. 13th St. and Little W. 12th St. bike lanes to 10th Ave. be implemented concurrently as part of the first phase of improvements; and

**Be it further resolved** that CB2 recognizes the important role that granite blocks can play in both defining and safeguarding the proposed plaza's perimeter while adding design interest and asks that DOT ensure their use by providing the blocks needed from in-house stock and/or from those that exist elsewhere; and

**Be it finally resolved** that CB2 emphatically requests that once design details and signalization plans are finalized that they be presented to CB2 with renderings and other backup materials that provide a clear and thorough overview of what is planned for final comments in advance of implementation.

**Vote:** Unanimous.

## **2. Resolution in response to presentation by NYC Dept. of Transportation (DOT) on DOT's new Carshare Program.**

**Whereas** the NYC Dept. of Transportation (DOT) is launching a new Carshare program to provide on-demand access for renting a car for short-term, roundtrip use, usually by the hour or for a day, typically through a membership and hourly fee (with insurance, gas, roadside assistance/customer support, and a dedicated parking spot included); and

**Whereas** DOT will designate dedicated parking spaces for use by eligible carshare organizations (CSOs) at both curbside locations and municipal parking lots for which the CSOs must apply for a permit to operate and must be approved by DOT based on criteria including but not limited to being an unmetered space, sited in pairs, + if curbside, being a parking lane 24/7, located next to an intersection on a residential block, non-truck loading, with alternate side parking and street cleaning no more than twice per week; and

**Whereas** carshare sites (all curbside) in Community Board 2 Manhattan (CB2) are expected to be on W. 11th St. btw. Bleecker & Hudson Sts. (S side), Washington Pl. btw. Washington Sq. W. & 6th Ave. (S), Thompson St. btw. W. Houston & Prince Sts. (W), Greenwich St. btw. Canal & Spring Sts. (W), Sullivan St. btw. Broome & Spring Sts. (W), Thompson St. btw. Prince & Spring Sts. (W), and Mott St. btw. Prince & Spring Sts. (W), seven locations, each with two spaces, altogether a total of 14 spaces, with six locations run by Getaround CSO and one by Zipcar CSO (Washington Pl.); and

**Whereas** a two-year Carshare Pilot Parking Program was conducted starting June 2018 with 230 on-street spaces and 55 municipal parking facilities spaces in Manhattan, the Bronx, Brooklyn and Queens neighborhoods (but none with characteristics similar to CB2 neighborhoods) to ascertain use and ownership patterns and environmental impacts. The Berkeley Transportation



Sustainability Research Center did evaluation of the pilot and system impacts, employing three in-depth surveys and collecting activity data from operators and individual members; and

**Whereas** findings showed that for every one car-shared vehicle, four personal vehicles were either not purchased or sold. About 8% of members either sold a vehicle or avoided a car purchase. Greenhouse gas emissions (GHG) declined 7%, and vehicle miles traveled (VMT) went down 6%<sup>1</sup>. The modes most often combined with carsharing included walking, public transit and Citi Bike. Individual Zipcar figures show 85% of their NYC members don't own cars, and 25% got rid of them after joining Zipcar, while 40% drive fewer miles than before and 70% ride public transit at least 5X/week, with each Zipcar taking up to 13 personally owned vehicles off city streets. Because shared cars are in rotation rather than parked 95% of the time like privately owned cars, more curb space is available; and

**Whereas** the annual site permit fee for CSOs (the businesses using these spaces, for profit) for an on-street, reserved curbside parking site of **2** spaces is \$475 for **a year**, a vast discrepancy from the average fair market rate for a private citizen renting **one** reserved parking space in Manhattan for approximately \$1,000 for **a month**; and

**Whereas** concerns were voiced about what happens on street cleaning days if a carshare vehicle is legally parked and not in use when the DSNY sweeper comes by and is unable to sweep in that occupied spot. The reply was that CSOs are responsible for cleaning their sites 15 ft. before and 15 ft. after their spaces, but this doesn't always appear to be done or done enough; and

**Whereas** a question arose about what could be done if the dedicated parking spot was taken up by another vehicle when the carshare vehicle was being returned. It was indicated that steps are being taken to address this problem, such as marking the street bed "Car Share Parking Only," along with "Car Share Parking Only Others No Standing Anytime" signage; and

**Whereas** the CB2 carshare vehicles appear to be clustered mostly in one place (the southern part of the District in the area around SoHo) while there's little or no coverage in other areas. When questioned about the rationale, the answer was that the intention is to learn how these vehicles are being used, how much and how often, what works and where, to ascertain where to expand or change location, This will need more attention for the CB2 locations; and

**Whereas** the Carshare Program presents an opportunity to establish and demonstrate needed safeguards in driving to protect walkers, cyclists and drivers by requiring carshare vehicles to have advanced safety technology, e.g., with GPS-based speed governors, anti-drunk and distracted driving features, automatic detection of wrong way driving, and other high tech safety capabilities as well as safe vehicle design, e.g., low vehicle hood and lower mass; and

**Whereas** heavier cars are more deadly to vulnerable road users such as pedestrians and cyclists, driving up traffic fatalities in New York and nationally;

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<sup>1</sup> "Overall findings suggest carsharing activity reduced VMT approx. 38.7 million miles and GHG approx. 12,000 metric tons per year," Berkeley Transp. Sustainability Research Center, *Roundtrip Carsharing in NYC: An Evaluation of a Pilot Program and System Impacts, Final Report*, Feb. 2021.

**Therefore be it resolved** that CB2 recognizes the potential that the Carshare Program offers to reduce car ownership and activity and thereby help reduce occupation of curb and street space, vehicle miles travelled, and greenhouse gas emissions; and

**Be it further resolved** that CB2 understands that the Carshare Program offers a useful option for those who need to use a car occasionally for short or less extensive trips and provides an alternative to having to own a car; and

**Be it further resolved** that CB2 strongly advises that DOT incorporate a pricing structure and fee requirement for CSOs that reflects the true fair market rate charge for parking space and the high value of public street space, especially in view of the carshare spaces being reserved for private enterprise and profit; and

**Be it further resolved** that CB2 is in favor of the Carshare Program but cautions that it is still incomplete and needs further development of operational procedures along with a recognition that each community is different and requires consideration of its unique makeup and needs, thus we urge extensive and repeated monitoring of the procedures and how well they are addressing these needs and modifying approaches where necessary. This would include assuring that the dedicated carshare parking spots and the street areas they occupy are adequately cleaned and that the vehicles themselves are cleaned thoroughly, that ample attention is given to keeping the dedicated parking spaces clear of illegally parked vehicles, and that these spaces are distributed more evenly. We emphasize that all of this should be assessed and applied to CB2, keeping in mind the specific needs and character of the CB2 District; and

**Be it further resolved** that CB2 highly recommends that DOT, or a third party, update the 2021 evaluation to include CB2 activity data from operators, members of the community, and customers. Performance metrics can include car and parking spot cleanliness, traffic violations, changes in GHG, and VMT; and

**Be it further resolved** that CB2 firmly supports and requests that DOT require CSOs to provide carshare vehicles with advanced safety technology as well as lightweight electric or hybrid vehicles and a process to ban unsafe drivers; and

**Be it finally resolved** that CB2 encourages DOT to consider concentrating carshare dedicated parking spaces in municipal parking lots where many of the concerns that come with curbside spots, such as cleanliness, enforcement, blocked spaces and security, would be nonexistent.

**Vote:** Unanimous.

Respectfully submitted,



*Shirley Secunda*

Shirley Secunda, Chair  
Traffic and Transportation Committee  
Community Board #2, Manhattan



## COMMUNITY BOARD NO. 2, MANHATTAN

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The Human Services Committee of Community Board No. 2, Manhattan held its regular monthly meeting on October 27, 2022, at 6:30pm by Zoom videoconference.

Committee Members Present: Susanna Aaron (Chair), William Benesh, Keen Berger, Ritu Chattree, Ivy Kwan Arce, Ryder Kessler, Adam Zeldin (Vice Chair)

Committee Members Absent With Notice: Wayne Kawadler

Committee Members Absent Without Notice: John Paul DeVerna

Other CB2 Members Present: Michael Levine, Carter Booth, Donna Raftery

Public Members Present: Rachel Yarmolinsky

Guests:

Department of Social Services: Leilani Irvin, Manhattan Borough Director; Hailey Nolasco, Assistant Deputy Commissioner of Intergovernmental and Legislative Affairs.

Mayor's Office of Immigrant Affairs: Cesar Vargas, Special Counsel and Senior Advisor

### **A resolution in support of assistance to the recent wave of asylum seekers**

**WHEREAS:**

- 1) Over 21,700 asylum seekers - primarily but not exclusively from Venezuela - have been processed by New York City since the spring of 2022. The principal agencies involved – but not the only ones - are Department of Social Services (DSS) and the Mayor's Office of Immigrant Affairs (MOIA). As of this writing, 16,200 recent asylum seekers are still in the care of DSS, and DSS has opened 57 emergency shelters to fulfill the legal and moral mandate of New York City to provide shelter to anyone seeking it. Two Humanitarian Emergency Relief Centers have opened, managed by Health and Hospitals and the New York Office of Emergency Management. These are on Randall's Island and in The Row Hotel on 8<sup>th</sup> Avenue, where families with children are being housed; and
- 2) As one of the country's self-proclaimed "sanctuary cities," New York City provides supportive services without regard to immigration status; does not report information to Immigration and Customs Enforcement (ICE); provides counsel through MOIA; and allows immigrants to have a municipal ID; and
- 3) The city views the current wave of newcomers as a refugee crisis more than an immigration issue, the United Nations refugee agency (UNHRC) having cited the displacement of over 7 million people from Venezuela.<sup>1</sup> The city is addressing the crisis

<sup>1</sup> <https://www.unhcr.org/en-us/venezuela-emergency.html>

with its existing infrastructure and staffing, and is also accepting support from private organizations; and

- 4) Under normal circumstances, asylum seekers arriving at the borders of the United States either enter illegally and seek family members, or turn themselves in to agents of US Custom and Border Patrol (CBP), which conducts background checks, health inspections, etc. Families are not separated, but arrivals are categorized by household type. Children traveling alone fall under the custody of the Office of Refugee Resettlement. CBP connects asylum seekers to local community-based organizations (CBOs) that in turn help connect them to family members or other sponsors who pay for transportation to other cities. The current wave of Venezuelan asylum-seekers, however, has limited ties to the U.S. Texas Governor Greg Abbott has taken to offering free bus rides to those arriving from the country's southern border and, without notifying receiving cities, encouraging migrants to leave Texas and go to Washington, DC; Chicago, IL; and New York, NY, which explains the massive influx of migrants to NYC and why so many arrive needing shelter; and
- 5) The needs of this population will not be prioritized over those of the city's homeless and its existing immigrants. Without US citizenship, migrants are still ineligible for many services afforded to the city's domestic homeless population of approximately 50,000. They lack documentation that would expedite access to housing or SNAP food benefits, for example. Their duration in shelter is thus difficult to estimate. Once assigned to a shelter, children are being enrolled in school. Adults vary in terms of language and professional skills but do not yet have permits to work, and the city is providing legal assistance as it does to the existing immigrant population and is advocating for expedited work permits; and
- 6) The 57 "emergency shelters" used to house the current influx of migrants are primarily private hotels throughout all five boroughs that enter into short-term contracts with the Department of Homeless Services (DHS). These tend not to be congregant settings. They can come into service quickly and temporarily and do not require a "fair share" analysis or the long process required for bringing long-term shelters online. Communities are given minimal notice of their opening; and
- 7) There are no current plans to site emergency shelters in Community District 2 but that could change at any time. Some local groups and elected officials within CD2 are already engaged in support efforts.

THEREFORE, BE IT RESOLVED THAT COMMUNITY BOARD 2, MANHATTAN

- 1) Appreciates the heroic efforts of the city to welcome and support the current influx of migrants; and
- 2) Supports the allocation of city funds and expediting of hiring processes to permit the responding agencies to continue their work with appropriately scaled staffing; and
- 3) Welcomes the opportunity of CB2 to share in the care and housing of this population; and
- 4) Hopes that lessons derived from the urgency of this crisis can be applied to improve conditions and processes for existing immigrants in our city and our domestic homeless population.

VOTE: IN FAVOR (Unanimous)

**Jeannine Kiely, Chair**  
**Susan Kent, First Vice Chair**  
**Valerie De La Rosa, Second Vice Chair**

**Antony Wong, Treasurer**  
**Amy Brenna, Secretary**  
**Ritu Chattree, Assistant Secretary**



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### **JOINT MEETING: COMMUNITY FACILITIES ADVISORY PANEL AND ARTS & INSTITUTIONS David Gruber, Chair and Ivy Kwan Arce, Chair November 9 @ 6:30 pm - 7:30 pm**

**Committee(s) members present:** David Gruber, Ivy Kwan Arce, Robin Rothstein, Carter Booth, Chris Dignes

**Public members present:** Jonathan Slaff, Stacey Goergen

Under the 2012 Restrictive Declaration for the NYU rezoning, NYU committed to building a 750 sq ft space for a community facility tenant. NYU's [draft marketing plan](#) is available for public comment for 30 days starting October 17, 2022. Please bring any comments or questions to this meeting.

You also may submit any comments to NYU Community Engagement at [community.engagement@nyu.edu](mailto:community.engagement@nyu.edu) by November 17, 2022

Following the public comment period, applications will be open for up to one year, or until a community tenant is identified.

1. **Whereas**, the Restrictive Declaration (RD) requires not less than 30 days notices by a variety of methods for the comments period notice the committee felt that the both the public and board did not have clear and sufficient notification e as described in the RD marketing plan (and
2. **Whereas**, the RD allows NYU to reclaim the space in its entirety if a qualified tenant has not signed a lease within 12 months of best efforts to find such tenant and to use the space as it sees fit and
3. **Whereas**, the process of finding a tenant to rent a space even with an under-market offering rent and actually sign a lease, can often take a year if not longer and
4. **Whereas**, the committee felt that the Community Board has no role at all in the process and/or the final selection as a full participant or even to be consulted as such and
5. **Whereas**, the RD permits that any nonprofit from any part of NYC can be chosen even if the nonprofit is not of a direct benefit to the communities in CB2 or surrounding areas such as a sports team or business association or a social club from another borough

- A. **Therefore, be it resolved** that NYU should extend the comment period for at least for 30 days which is allowed under the RD and
- B. Let it be further resolved that NYU make the CB2 community in which the facility is located a priority in selecting a tenant that for the space and that NYU both recognizes the needs and programs that benefits this community and
- C. Let it be further be resolved that while the RD allows NYU to be the sole entity for selecting a tenant, that NYU in the spirit of working with the Community Board and by extension the community allow CB2 to fully be part of the selection process and be given a full role in that mission
- D. and be it finally be resolved that as matter of a practical consideration that a potential tenant need only be in lease negotiation rather than requiring an actual signed lease so that NYU's obligation is not terminated.

DRAFT



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### SLA LICENSING COMMITTEE 1

The SLA Licensing Committee #1 of Community Board 2, Manhattan, held a meeting at 6:30PM on Tuesday, November 1, 2022 via Video Conference.

Committee Board Members Present: D. Raftery (Co-Chair), R. Ely (Co-Chair), C. Booth, P. Laraia, L. Rakoff, Dr. S. Smith, S. Wittenberg and A. Wong

Committee Board Members Absent with Notice: C. Flynn

Other Board Members Present: B. Pape

### RESOLUTIONS:

1. **One Tree Hill, LLC d/b/a Westerly, 39 E. 13<sup>th</sup> St., 6<sup>th</sup> Fl. 10003** (new RW–Restaurant)
  - i. **Whereas** the Applicant and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Licensing #1 via video conference to present an application to the NYS Liquor Authority for a new Restaurant Wine License to operate an Asian restaurant on the 6<sup>th</sup> floor of a C6-1-zoned, six (6)-story mixed-use building (c. 1900, altered 2007) on 13<sup>th</sup> Street between University Place and Broadway (Block #565/Lot #2); and
  - ii. **Whereas**, the 6<sup>th</sup> floor premises is approximately 1,500 sq. ft. with an additional 300 sq. ft. terrace; there will be 18 tables with 38 seats and one (1) bar with five (5) seats for a total interior seated occupancy of 43 persons, the terrace will have no more than six (6) tables and 12 seats and service will be to seated patrons only; the premises has one elevator which will serve as the primary ingress and egress for patrons and two (2) doors to stairwells to serve as emergency egress, there is one (1) bathroom; the Applicant presenting Certificate of Occupancy permitting eating and drinking at the location; and
  - iii. **Whereas**, the hours of operation will be from 6:00 PM to 11:00 PM Sundays through Saturdays (7 days a week); the exterior patio seating will end at 10:00 PM every night, no patrons will remain outside after 10:00PM and there will be no exterior music or speakers; all doors and windows will be closed at all times, interior music will be quiet background only consisting of music from iPod/CDs (i.e. no active manipulation of music – only passive prearranged music); there will be no dancing, DJs, live music, promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and

- iii. Whereas,** the Applicant originally presented their application to CB2, Manhattan’s SLA Committee #1 in October/2022 with operating hours of 11:00AM to 12:00AM where concerns were raised regarding the lack of a separate and distinct entry for restaurant patrons, the building having a shared lobby and elevator, there being no plan presented to ensure restaurant patrons were not able to access the businesses on other floors of the building, the Applicant being the 5<sup>th</sup> floor tenant of the building and stating the landlord had given approval for the other businesses; additional concerns were raised by representatives from both the 13<sup>th</sup> Street and East 11<sup>th</sup> Street Block Associations about potential late night noise from use of the outdoor patio, there being another restaurant nearby with an upper-level outdoor space which has caused nearby residents many noise-related quality of life issues; and
- iv. Whereas,** based on the lack of clarity of separate and distinct patron access to the establishment, concerns regarding noise from the outside patio and no specific outreach to the other tenants of the building, SLA Committee #1 recommended denial of the application while offering the Applicant the opportunity to return November/2022 for reconsideration provided they could provide clarity on the unresolved issues; and
- v. Whereas,** the Applicant returned to CB2, Manhattan’s SLA Committee #1 this month to address the outstanding concerns, thereby supplying letters of support from the other tenants of the building, adjusting the operating hours to start at 6:00PM as their intention was to serve primarily as a reservation-only restaurant serving dinner only, these hours being after the other businesses had closed, having a receptionist in the lobby to greet customers and agreeing that the patio would be used for seated patrons only and would close nightly at 10:00PM; and
- v. Whereas,** the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan that they agreed to submit to the NYSLA and agreed would be attached and incorporated into the method of operation of the Tavern Wine License, with those stipulations as follows:
1. Premises will be advertised and operated as an Asian restaurant with the kitchen open and full menu items available until closing every night.
  2. The hours of operation will be 6:00 PM to 11:00 PM Saturdays through Sundays (7 days a week). No patrons will remain after stated closing time.
  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 operate a backyard garden or other outdoor area for commercial purposes including any sidewalk café and/or roadbed seating operating under the Open Restaurants program except for a patio located on the 6<sup>th</sup> floor adjacent to the licensed premises with no more than six (6) tables and 12 seats.
  5. Patio use will be for seated patrons only and will close no later than 10:00PM nightly. No patrons will remain outside after 10:00PM. No exterior music, speakers or TVs.
  6. Will play quiet ambient recorded background music only, inclusive of any private parties or events. No music will be audible in any adjacent residences at any time.
  7. Will not have televisions.
  8. Will close all doors and windows at all times, allowing only for patron ingress and egress.



9. Will operate primarily as a reservation-only restaurant and will have a staff member present on the ground floor of the building entrance at 39 East 13th Street to greet all guests. Guests will always be escorted in the elevator to and from the 6<sup>th</sup> floor as this elevator is shared with other building tenants and provides direct access to their space if elevator access to each floor is not locked.
10. Will not install or have French doors, operable windows or open facades.
11. Will not make changes to the existing façade except to change signage or awning.
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 beer or wine products.
15. Will not have any of the following: dancing, DJs, live music, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades, or doormen/security personnel.
16. Will appear before CB2, Manhattan prior to submitting changes to any stipulation agreed to herein.
17. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.

**THEREFORE BE IT RESOLVED** that Community Board 2, Manhattan recommends **denial** of the application for a new Restaurant Wine License in the name of **One Tree Hill, LLC d/b/a Westerly, 39 E. 13<sup>th</sup> Street, 6<sup>th</sup> Fl. 10003**, **unless** the statements presented by the Applicant are accurate and complete and that the conditions agreed to by the Applicant remain incorporated into the “Method of Operation” of the NYSLA Restaurant Wine License.

Vote: Unanimous in favor (8–0)

2. **Beau Maison Corp. d/b/a El Cantinero, 86 University Pl. 10003** (OP–Restaurant, Change in Method of Operation)
  - i. **Whereas**, the Applicant and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Licensing Committee #1 via video conference to present an application to the NYS Liquor Authority for an alteration to an existing On-Premises Restaurant License (SN#1024183) for a restaurant serving Mexican food on the ground floor and second floors of a C1-7-zoned, five (5)-story mixed-use building (c. 1900, altered 1987) on University Place between East 11<sup>th</sup> and East 12th Streets (Block #569/Lot #25); and
  - ii. **Whereas**, the premises is approximately 5,000 sq. ft. (2,500 sq. ft. on the ground floor connected by an interior stairway to 2,500 sq. ft. on the 2<sup>nd</sup> floor), the application stating there are 57 tables and 162 seats and 1 bar with 5 seats for a total of 167 seated patrons, the provided diagram showing approximately 31 tables and 80 seats on the ground floor and 15 tables and 50 seats on the 2<sup>nd</sup> floor; there is one (1) entrance serving as patron ingress and egress, one (1) emergency exit and four (4) bathrooms; and

- iii. **Whereas**, the application reports hours of operation Sundays to Wednesdays from 11:30AM to 11:00PM, Thursdays from 11:30AM to 2:00AM and Fridays and Saturdays from 11:30AM to 4:00AM with four (4) TVs, there is no sidewalk or roadbed seating operating under the temporary Open Restaurants program; and
- iv. **Whereas**, the alteration/change in method of operation is to add a DJ on the 2<sup>nd</sup> floor with entertainment level music on Thursdays through Saturdays, to add dining on the 2<sup>nd</sup> floor patio and to add security guards to the licensed premises, albeit only in response to certain recent disciplinary proceedings at the NYSLA regarding the operators existing method of operation; and
- v. **Whereas**, the instant application being very similar to one that was heard by CB2 Manhattan in March/2018 following disciplinary proceedings at NYSLA around that time, the CB2 Manhattan resolution from March/2018 which recommended denial of the alteration application and was unanimously approved by CB2's full board, documents the many issues with the operator over time regarding the use of DJs and dancing, nearby neighbors complaining of late night noise, and that the applicant was provided with stipulations in March/2018 that were never signed; and
- vi. **Whereas**, the instant application was originally heard in October/2022, the Applicant requesting the use DJs on the interior of the 2<sup>nd</sup> floor and requesting to use the outdoor patio for dining but showing no plans for soundproofing or otherwise mitigating the noise from entertainment level music, nor a plan for how the interior sound would not escape into the rear courtyard with the constant opening and closing of the patio doors to serve customers into the evening; additionally it was pointed out that this was essentially the same application that was heard in 2018 which the Committee was ready to support if the Applicant executed stipulations yet the Applicant did not return signed stipulations, there being questions as to the character of the Applicant based on this history; the Applicant requesting to lay the application over to this month in order to return with a soundproofing plan and review other parts of the application; and
- vii. **Whereas**, concerns were raised by a representative of the East 11<sup>th</sup> Street Block Association in addition to two next door residents at the October/2022 meeting, all of whom had concerns especially about the use of the patio as the patio space had been used in the past although not part of the licensed premises and was loud and disruptive late into the night and that the sidewalk had been frequently overcrowded and impassable albeit back in 2020, additionally some of the same residents spoke in favor of the restaurant if the noise-related issues could be resolved, the restaurant being a long-standing part of the neighborhood; and
- viii. **Whereas**, the Applicant appeared at this month's CB2 SLA#1 Committee meeting providing a soundproofing plan for the 2<sup>nd</sup> floor space, a request for DJs from the hours of 8PM to 2AM Thursdays through Saturdays, a security plan devised by a licensed security company specifying the use of security guards until closing on all nights there will be a DJ, the use of the 2<sup>nd</sup> floor patio for dining was removed from the instant application, the Applicant asking to keep the 4AM closing on Fridays and Saturdays with the DJ ending at 2AM but agreeing to close those nights at 2AM when the DJ ended as had been suggested last month; during

deliberations the majority of the Committee compromised on a 3AM closing for Fridays and Saturdays; and

- ix. Whereas,** a representative for an adjacent resident appeared again to follow up on the application, the Applicant agreeing to work with them if desired when doing the soundproofing; and
- x. Whereas,** the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan that they agreed to submit to the NYSLA and agreed would be attached and incorporated into the method of operation of the On-Premises Liquor License, with those stipulations as follows:
1. Premises will be advertised and operated as a full-service Tex-Mex restaurant with the kitchen open and full menu items available until closing every night.
  2. The hours of operation will be 12:00 PM to 12:00 AM Sundays through Wednesdays, 12:00 PM to 2:00 AM Thursdays and 12:00 PM to 3:00 AM Fridays and Saturdays. No patrons will remain after stated closing time.
  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 operate a backyard garden or any other outdoor area including 2<sup>nd</sup> floor patio for commercial purposes as well as including any sidewalk café and/or roadbed seating operating under the Open Restaurants program.
  5. There will be no employee or patron use of the 2<sup>nd</sup> floor patio at any time.
  6. Will play quiet ambient recorded background music only at all times on the ground and 2<sup>nd</sup> floors, inclusive of any private parties or events, with the exception that DJs with entertainment level music are permitted on the 2<sup>nd</sup> floor from Thursdays through Saturdays between the hours of 8:00PM and 2:00AM. No music will be audible in any adjacent residences at any time.
  7. Will follow the soundproofing recommendations made by Brent M. Porter, Architect LLC in their October 26, 2022 report, will install a professionally calibrated sound limiter on the sound system and will have a licensed acoustical engineer return when work has been completed to ensure no music is audible outside of the premises.
  8. Will have no more than four (4) televisions no larger than 60". There will be no projectors.
  9. Will close all doors and windows at all times, allowing only for patron ingress and egress.
  10. Will have licensed security personnel on Thursdays through Saturdays from 8:00PM until closing and at special events such as holiday parties.
  11. Will not make changes to the existing façade except to change signage or awning.
  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. (Pitchers of Margaritas are specifically allowed, however.)
  14. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
  15. Will not have any of the following: dancing, live music, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades.
  16. Will appear before CB2, Manhattan prior to submitting changes to any stipulation agreed to herein.

17. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.

**THEREFORE BE IT RESOLVED** that Community Board 2, Manhattan recommends **denial** of the application for a Change in Method of Operation to the On-Premises Liquor License in the name of **Beau Maison Corp. d/b/a El Cantinero, 86 University Pl. 10003**, **unless** the statements presented by the Applicant are accurate and complete and that the conditions agreed to by the Applicant remain incorporated into the “Method of Operation” of the NYSLA On-Premises Liquor License.

Vote: 6 in favor (C. Booth, P. Laraia, D. Raftery, L. Rakoff, Dr. S. Smith, S. Wittenberg),  
2 opposed (R. Ely, A. Wong)

**3. EVJR, LLC d/b/a Pending, 293 Mott St. aka 55 E. Houston St., 10012** (new TW–Bar/Tavern)  
*(previously unlicensed)*

- i. **Whereas**, the Applicant and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Licensing Committee #1 via video conference to present an application to the NYS Liquor Authority for a new Tavern Wine License to operate an intimate 1920s/1930s-themed bar/tavern on the ground floor of a C6-3-zoned, five (5)-story mixed-use building (c. 1910) on Mott Street between E. Houston and Prince Streets (Block #509/Lot #26), the building falling within the designated Special Little Italy District; and
- ii. **Whereas**, the ground floor premises is approximately 800 sq. ft.; there will be nine (9) tables with 36 seats and one (1) bar with five (5) seats for a total of 41 interior seats; the premises has one (1) door which will serve as patron ingress and egress and two (2) bathrooms; and
- iii. **Whereas**, the hours of operation will be from 8:00 AM to 2:00 AM Sundays through Saturdays (7 days a week); music will be quiet background only consisting of music from iPod/CDs (i.e. no active manipulation of music – only passive prearranged music); there will be no dancing, DJs, live music, promoted events, scheduled performances or cover fees, velvet ropes or movable barriers; there will be security to ensure there are no crowds on the sidewalk; and
- iv. **Whereas**, the premises is a previously unlicensed location and was most recently (from approximately 2013 to 2019) a clothing store and prior to that two ground floor residential apartments; and
- v. **Whereas**, the Applicant is a chef at, and a family member of the principals of, Emilio’s Ballato’s, a well-known Italian restaurant located within the same building around the corner on Houston Street, the building being large with multiple entrances on both Houston and Mott Streets, the Applicant stating the instant application will serve primarily as an upscale bar for people to go to after dinner for drinks despite operating hours beginning at 8:00 AM, the menu consisting of antipasto, mixed nuts, and such being inconsistent with the all-day hours proposed; and

- vi. **Whereas**, this application being for the service of beer and wine only and thereby eligible for a temporary license upon filing with the NYSLA, this being a previously unlicensed location such temporary permit would not be allowed if filing for an On-Premises License, the Applicant clearly representing their intention to file for an On-Premises Liquor License in the future but affirming that the application being presented is for Tavern Wine; and
- vii. **Whereas**, the premises being located in the part of the building on the side street where quality of life impacts are greater on the surrounding residences than if it were located on the wider, Houston Street side, concerns were raised regarding the late night closing hours 7 days a week, there already being two other late-night bars around the corner from the proposed licensed premises with another licensed premises a few doors to the south having just closed, this application being for the service of beer and wine only and thus also not subject to the standards of the 500 Foot Rule, the Applicant's representative acknowledging that with the higher standard for a full liquor license the Applicant might have to reduce their hours to be more aligned with the residential nature of the area, therefore the Applicant choosing to pursue a beer and wine license but has no flexibility in reducing the hours even during the weekdays in order for the business to be viable; and
- viii. **Whereas**, concerns were raised regarding the inconsistency between the all-day / late night operating hours and the lack of any kitchen area nor menus presented to support the all-day hours, the method of operation focusing strictly on being an upscale evening bar with a nightly 2:00AM closing and the negative quality of life impacts that will have on the surrounding residents; and

**THEREFORE, BE IT RESOLVED** that CB2, Manhattan recommends **denial** of the new Tavern Wine License application for **EVJR, LLC d/b/a Pending, 293 Mott St, 10012**; and

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

**THEREFORE, BE IT FURTHER RESOLVED**, that, if despite CB2, Man.'s objections, should the NYSLA not find good cause to deny this Application, CB2 Man. recommends that the Tavern Wine License granted for **EVJR, LLC d/b/a Pending, 293 Mott St, 10012** include stipulations of closing hours of 11:00 PM Sundays through Thursdays and 1:00 AM Fridays and Saturdays.

**Vote:** Unanimous in favor (8-0)

**4. Timoni, Inc. d/b/a Tre Giovani, 548 LaGuardia Pl. 10012 (new OP-Restaurant)**

- i. **Whereas**, the Applicant appeared before Community Board 2, Manhattan's SLA Licensing Committee #1 via video conference to present an application to the NYS Liquor Authority for a new On-Premises License to operate a full-service Italian restaurant on the ground floor of a R7-2/C1-5-zoned, four (4)-story mixed-use building (c. 1870) on LaGuardia Place between West 3<sup>rd</sup> and Bleecker Streets (Block #537/Lot #21), the building falling within NYC LPC's designated South Village Historic District; and

- ii. **Whereas**, the ground floor premises is approximately 1,872 sq. ft. consisting of 926 sq. ft. on the ground floor and 936 sq. ft. in the basement, the two floors connected by an interior stairway, patron use of the basement is for bathroom access only, there is no service to patrons in the basement; there will be 19 tables and 50 seats and one counter/bar with no seats for a total of 50 patron seats; the premises has one (1) door which will serve as patron ingress and egress and two (2) bathrooms located in the basement; and
- iii. **Whereas**, the hours of operation will be from 12:00 PM to 11:00 PM Sundays through Saturdays (7 days a week); there will be a sidewalk café with no more than four (4) tables and eight (8) patron seats, the tables being arranged parallel to the building, and roadbed seating not exceeding the business frontage of licensed premises with three (3) tables and ten (10) patron seats, both operating under the temporary Open Restaurants program; music will be quiet background only consisting of music from iPod/CDs (i.e. no active manipulation of music – only passive prearranged music); there will be no dancing, DJs, live music, promoted events, scheduled performances or cover fees, velvet ropes, movable barriers or security personnel; and
- iv. **Whereas**, to alleviate the late-night noise emanating from the restaurant due to the operable French doors and to satisfy the public interest standard set forth in the 500-foot rule, the Applicant agreed to close its exterior French doors by 10PM every night, to close the sidewalk café and roadbed seating by 10:00 PM Sundays through Thursdays and 11:00 PM Fridays and Saturdays and to remove all tables and chairs from the sidewalk after closing every evening in addition to ensuring that the sidewalk remain passable at all times; and
- v. **Whereas**, the storefront premises had been operated under the same DBA and by the same family with a Restaurant Wine license since prior to 2000, the Applicant having appeared before CB2, Manhattan in 2017 for an upgrade to the Restaurant Wine license in addition to a corporate change to add the son onto the license, the method of operation being consistent with the instant application aside from the current inclusion of roadbed seating operating under the temporary Open Restaurant program; CB2, Manhattan voting unanimously in favor of the application at that time; the Applicant having filed with the NYSLA for the upgrade and corporate change in 2017 but for a number of reasons did not move forward, the premises remaining in operation albeit currently with no liquor license; and
- vi. **Whereas**, this application being subject to the 500 foot rule requiring the Applicant to demonstrate that public interest and public convenience would be served by the granting of a liquor license at this location, where there already is a significant number of licensed establishments in the immediate area, there being 64 active licensed premises within 750 feet of the subject premises, in addition to 8 pending licenses, the Applicant having operated at this location for a number of years, the method of operation and hours for the premises not changing, the Applicant has agreed to take measures to alleviate any late-night noise; and
- vii. **Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan that they agreed to submit to the NYSLA and agreed would be attached and incorporated into the method of operation of the On-Premises Liquor License, with those stipulations as follows:

1. Premises will be advertised and operated as a full-service Italian restaurant with the kitchen open and full menu items available until closing every night.
2. The hours of operation will be 12:00 PM to 11:00 PM Sundays through Saturdays (7 days a week). No patrons will remain after stated closing time.
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 operate a backyard garden or any outdoor area for commercial purposes except for a certified sidewalk café and roadbed seating operating under the temporary Open Restaurants program on LaGuardia Place. Sidewalk café is located immediately adjacent to the storefront leaving a minimum clearance of 8' to the curbside for pedestrian passage with no more than four (4) tables and eight (8) patron seats, the tables being arranged parallel to the building, and roadbed seating not exceeding the business frontage of licensed premises with three (3) tables and ten (10) patron seats.
5. Sidewalk café and roadbed seating will close no later than 10:00 PM Sundays through Thursdays and 11:00 PM Fridays and Saturdays. All tables and chairs will be removed from sidewalk and all tables and chairs in roadbed will be secured with no patrons remaining outside at this hour. No exterior music, speakers or TVs.
6. Will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at any time.
7. Will not have televisions.
8. Will close all doors and windows at 10PM every night, allowing only for patron ingress and egress.
9. Will not have patron occupancy/service to any portion of the basement of licensed premises.
10. Will not make changes to the existing façade except to change signage or awning.
11. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
12. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
13. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products. No magnums.
14. Will not have any of the following: dancing, DJs, live music, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades or doorman or security personnel.
15. Will appear before CB2, Manhattan prior to submitting changes to any stipulation agreed to herein.
16. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.

**THEREFORE BE IT RESOLVED** that Community Board 2, Manhattan recommends denial of the application for a new On-Premises Liquor License in the name of **Timoni, Inc. d/b/a Tre Giovani, 548 LaGuardia Pl. 10012** unless the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the NYSLA On-Premises Liquor License.

Vote: Unanimous in favor (8–0)

5. **W, LLC d/b/a The Woolly, 390 Broome St. 10013 (OP–Restaurant) (Transfer)**
- i. **Whereas**, the Applicant and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Licensing #1 via video conference to present an application to the NYS Liquor Authority for a new On-Premises Restaurant License to operate a full-service, American themed family restaurant on the ground floor of a C6-2G-zoned, six (6)-story mixed-use tenement building (c. 1900) on Broome Street between Mulberry and Centre Streets (Block #481/Lot #35) the building falling within the designated designated Special Little Italy District; and
  - ii. **Whereas**, the ground floor premises is approximately 2,780 sq. ft. consisting of approximately 1,380 sq. ft. on the ground floor and 1,400 sq. ft. in the basement, the two floors connected by an interior stairway, there will be no patron use of the basement, the basement being for storage and office use only; there will be 19 tables with 58 seats and one (1) bar with nine (9) seats for a total of 67 patron seats; the premises has two (2) doors which will serve as patron entrance, and three (3) exits and one (1) bathroom; and
  - iii. **Whereas**, the hours of operation will be from 9:00 AM to 12:00 AM Sundays through Saturdays (7 days a week); there are French doors on Broome Street which will close at 10:00 PM nightly; music will be quiet background only consisting of music from iPod/CDs (i.e. no active manipulation of music – only passive prearranged music); there will be no dancing, DJs, live music, promoted events, scheduled performances or cover fees, velvet ropes or movable barriers and no security personnel; and
  - iv. **Whereas**, there will be both sidewalk and roadbed seating operating under the temporary Open Restaurants program, sidewalk café is located immediately adjacent to the storefront leaving a minimum clearance of 8' to the curbside for pedestrian passage with no more than four (4) tables and eight (8) patron seats on Broome Street and eight (8) tables and sixteen (16) patron seats on Mulberry Street and roadbed seating not great than 5' deep and not exceeding the business frontage of licensed premises on Mulberry Street only with 11 tables and 22 patron seats; and
  - v. **Whereas**, from 2015 to 2021 the premises had been operated with an On-Premises License as a seafood restaurant known as Broome Restaurant LLC. d/b/a Seamore’s (SN# 1285484) with no complaints, the instant application following the same method of operation including interior and exterior operating hours and outdoor seating configuration; and
  - vi. **Whereas**, this application being subject to the 500 foot rule requiring the Applicant to demonstrate that public interest and public convenience would be served by the granting of a liquor license at this location, where there already is a significant number of licensed establishments in the immediate area, there being 100 active licensed premises within 750 feet of the subject premises, in addition to 9 pending licenses, the Applicant having obtained signatures from members of the building where the licensed premises will be located, with other nearby residents speaking in favor of the application provided the method of operation including the outdoor seating configuration is the same as the previous operator, the Applicant



agreeing to stipulations to that effect, the public interest being established albeit subject to the Applicant and Licensee abiding by those agreed upon stipulations; and

- v. **Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan that they agreed to submit to the NYSLA and agreed would be attached and incorporated into the method of operation of the On-Premises Liquor License, with those stipulations as follows:
1. Premises will be advertised and operated as a family restaurant serving American themed food with the kitchen open and full menu items available until closing every night.
  2. The hours of operation will be 9:00 AM to 12:00 AM Sundays through Saturdays (7 days a week). No patrons will remain after stated closing time.
  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 operate a backyard garden or any outdoor area for commercial purposes except for a certified sidewalk café and roadbed seating operating under the temporary Open Restaurants program on both Broome and Mulberry Streets. Sidewalk café is located immediately adjacent to the storefront leaving a minimum clearance of 8' to the curbside for pedestrian passage with no more than four (4) tables and eight (8) patron seats on Broome Street and eight (8) tables and sixteen (16) patron seats on Mulberry Street and roadbed seating not great than 5' deep and not exceeding the business frontage of licensed premises on Mulberry Street with 11 tables and 22 patron seats. All sidewalk and roadbed seating consists of two-top tables. There is no roadbed seating on Broome Street.
  5. Sidewalk café and roadbed seating will close no later than 10PM Sundays through Thursdays and 11PM Fridays and Saturdays. All tables and chairs will be removed from sidewalk and all tables and chairs in roadbed will be secured with no patrons remaining outside at this hour. No exterior music, speakers or TVs.
  6. Will play quiet ambient recorded background music only, inclusive of any private parties or events. No music will be audible in any adjacent residences at any time.
  7. Will not have more than 12 private parties per year.
  8. Will not have televisions.
  9. Will use an electronic reservation system capable of online messaging to interact with customers remotely, as needed, to prevent crowds from queuing/gathering/waiting to enter on sidewalk.
  10. Will close all doors and windows at 10PM every night, allowing only for patron ingress and egress.
  11. Will not have patron occupancy/service to any portion of the basement of licensed premises.
  12. Will not make changes to the existing façade except to change signage or awning.
  13. Will comply with NYC Department of Buildings Regulations and will keep current at all times required Permits and Certificates.
  14. Will not have unlimited drink or unlimited food and 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 beer or wine products.

16. Will not have any of the following: dancing, DJs, live music, promoted events, any event for which a cover fee is charged, scheduled performances, or velvet ropes or barricades, doorman or security personnel.
17. Will appear before CB2, Man. prior to submitting changes to any stipulation agreed to herein.
18. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.

**THEREFORE BE IT RESOLVED** that Community Board 2, Manhattan recommends **denial** of the application for an On-Premises Restaurant License in the name of **W, LLC d/b/a The Wooly, 390 Broome St. 10013**, **unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the NYSLA On-Premises Liquor License.

Vote: Unanimous in favor (7–0; R. Ely recusal)

**6. Night Owl Comedy, LLC d/b/a Comedy Cellar, 118 W. 3<sup>rd</sup> St. 10012 (OP–Bar/Tavern)**

- i. Whereas**, the Applicant and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Licensing #1 via video conference to present an application to the NYS Liquor Authority for a new On-Premises Tavern Liquor License to operate a comedy club on the ground floor of a R7-2/C1-5 overlay-zoned, five (5)-story mixed-use building (c. 1900) on West 3<sup>rd</sup> Street between MacDougal Street and Avenue of the (Block #543/Lot #20) the building falling within NYC LPC’s designated South Village Historic District; and
- ii. Whereas**, the ground floor premises is approximately 2,269 sq. ft. consisting of 1,315 sq. ft. on the ground floor and 954 sq. ft. in the basement, the two floors connected by an exterior stairway, there will be no patron use of the basement the basement being for storage use only; there will be approximately 34 tables and 68 seats and one service bar with no seats or an interior seated occupancy of approximately 68 persons; the premises has one (1) door which will serve as patron ingress and egress, one (1) additional emergency exit and two (2) bathrooms; there will be no sidewalk café or roadbed seating operating under the temporary Open Restaurants program; and
- iii. Whereas**, the hours of operation will be from 6:00 PM to 1:00 AM Sundays through Thursdays and 6:00 PM to 2:00 AM Fridays and Saturdays with the closing extended until 4:00AM in the event a well-known comedian stops in — they will be allowed to perform following scheduled performances; music will be quiet background except when there is a comedian performing at which time sound may be at entertainment levels; there will be no dancing, DJs, live music, 3<sup>rd</sup> party promoted events; and
- iv. Whereas**, the licensed premises had been operated with a Restaurant Wine license from approximately 2014 to 2022 as Miyabi Sushi Japanese Restaurant NY Inc d/b/a Miyabi Sushi (SN#1279571); and

- v. **Whereas**, one of the principals on the instant application is also the long-standing principal of the Olive Tree Café / Comedy Cellar (SN#1025081), a world-renown comedy club around the corner at 117 MacDougal Street which his family started in the early 1980's, as well as The Village Underground (SN#1100905) located across the street; the family previously owned Café Wha and Fat Black Pussycat on MacDougal Street where he was an employee; and
- vi. **Whereas**, the other principal on the instant application has been the manager at the Comedy Cellar for the past 16 years and is a resident of the community, this will be her first venture as a business owner; and
- vii. **Whereas**, the premises will operate under the DBA name of Comedy Cellar and will operate in essence as an additional room of Comedy Central although not physically connected, with three (3) shows a night; and
- viii. **Whereas**, concerns were raised about the current crowds on the sidewalk on this block in part created by patrons waiting to enter Comedy Central as well as The Village Underground across the street and that the addition of another similar establishment on this block will further exacerbate the situation, the Applicant being aware of the situation and has been working to streamline the electronic reservation / ticket system in his establishments, in addition they are looking at staggering the show times between the two spaces to help alleviate any further crowding on the sidewalk; and
- ix. **Whereas**, this application being subject to the 500 foot rule requiring the Applicant to demonstrate that the public interest and public convenience would be served by the granting of a liquor license at this location, where there already is a significant number of licensed establishments in the immediate area, there being 101 active licensed premises within 750 feet of the subject premises, in addition to 10 pending licenses, the Applicant having operated two other establishments on the block for many years, those establishments being a part of the community, the Applicant agreeing to and executing a stipulations agreement with Community Board 2 Manhattan for the sole purpose of establishing public interest, the stipulations being attached to and incorporated into the "Method of Operation" of the On-Premises Liquor License, with those stipulations as follows:
1. Premises will be advertised and operated as a comedy club with the kitchen open and all menu items available until closing every night.
  2. The hours of operation will be 6:00 PM to 1:00 AM Sundays through Thursdays and 6:00 PM through 2:00 AM Fridays and Saturdays with closing extended to 4:00 AM in the event a well-known comedian stops in — they will be allowed to perform following scheduled performances. No patrons will remain after stated closing time.
  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 operate a backyard garden or other outdoor area for commercial purposes including any sidewalk café and/or roadbed seating operating under the Open Restaurants program.

5. Will play quiet ambient recorded background music only except when there is a comedian performing at which time sound may be at entertainment levels. No music or performances will be audible in any adjacent residences at any time.
6. Will not have televisions.
7. Licensee will endeavor to utilize tech apps that they are developing, including QR code-style ticketing for faster verification, to mitigate long lines at their establishments in Greenwich Village.
8. Will have security every night to control any crowds on sidewalk.
9. Will close all doors and windows at all times, allowing only for patron ingress and egress.
10. Will not have patron occupancy/service to any portion of the basement of licensed premises.
11. Will not install or have French doors, operable windows or open facades.
12. Will limit access of exit into residential area of the building for emergency use only.
13. Will not make changes to the existing façade except to change signage or awning or to modify the window to limit external noise.
14. Will comply with NYC Department of Buildings Regulations and will keep current at all times required Permits and Certificates.
15. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
16. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
17. Will not have any of the following: dancing, DJs, live music or 3<sup>rd</sup> party promoters (all promotion is internal).
18. Will appear before CB2, Man. prior to submitting changes to any stipulation agreed to herein.
19. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.

**THEREFORE BE IT RESOLVED** that Community Board 2, Manhattan recommends **denial** of the application for an On-Premises Tavern License in the name of **Night Owl Comedy, LLC d/b/a Comedy Cellar, 118 W. 3<sup>rd</sup> St. 10012**, **unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the NYSLA On-Premises Liquor License.

Vote: Unanimous in favor (8–0)

7. **Montres Journe NY, LLC d/b/a FP Journe, 53 Mercer St. 10013** (OP–Bottle Club) *(previously unlicensed)*
  - i. **Whereas**, the Applicant and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Licensing Committee #1 via video conference to present an application to the NYS Liquor Authority for a new Bottle Club License to operate a showroom, retail store and gathering space for their existing and prospective customers of their handmade, high-end time pieces in the cellar, ground and 2<sup>nd</sup> floors of a M1-5/R7X-zoned, three (3)-story commercial building (c. 1868, renovation ongoing) on Mercer Street between Broome and

Grand Streets (Block #474/Lot #14), the building falling within the SoHo-Cast Iron Historic District Extension; and

- ii. **Whereas**, there were multiple questions raised regarding the instant application including whether or not the premises was subject to the public interest standards of the 500' rule, the distance from the ground floor entry of the instant application to the entry of Bloomingdale's at 504 Broadway which holds an On-Premises Liquor License for its restaurant (SN# 1143172) being in question; in addition there were questions as to: how the public would be granted access to the premises, the owner mentioning that he would operate a portion of the premises not open to the public which contradicts the law that the premises has to be open to the public, conversion plans for the 2<sup>nd</sup> floor from JLWQA status, where and how the alcohol was being served, the laws under which the ground floor cigar room was permitted to operate seemingly in contradiction to New York City Smoke Free Air Act, among other issues; and
- iii. **Whereas**, due to the lack of clarity regarding the method of operation of the instant application the committee recommended denial of the application but invited the Applicant to return to the committee for reconsideration based on providing clarification on outstanding issues; the Applicant wishing to return in December for reconsideration; and

**THEREFORE, BE IT RESOLVED** that CB2, Manhattan recommends denial of the new On-Premises Bottle Club License application for **Montres Journe NY, LLC d/b/a FP Journe, 53 Mercer St. 10013** until the Applicant returns to CB2, Man. with clarification of outstanding issues, therefore affording CB2, Manhattan the opportunity to re-assess the application having been provided a fuller understanding of the method of operation; and

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

Vote: 7 in favor (C. Booth, P. Laraia, D. Raftery, L. Rakoff, Dr. S. Smith, S. Wittenberg, A. Wong), 1 opposed (R. Ely)

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

**8. Morandi, L.P. d/b/a Morandi, 15 Charles St. 10014 (Corporate Change, OP–Restaurant)**

**Whereas**, prior to this month's Community Board 2, Manhattan's SLA Licensing Committee Meeting on November 1, 2022 the Applicant requested to lay over this application for a Corporate Change to their On-Premises Restaurant Liquor License (SN# 1183939) to December/2022 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the NYSLA should they proceed; and

**THEREFORE, BE IT RESOLVED** that Community Board 2, Manhattan strongly recommends that the NYSLA **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 **Morandi, L.P. d/b/a Morandi, 15 Charles St. 10014, until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

**Vote:** Unanimous in favor

**9. Windy Gates Soho, Inc. d/b/a Balthazar, 80-82 Spring St. 10012** (Corporate Change, OP–Restaurant)

**Whereas**, prior to this month's Community Board 2, Manhattan's SLA Licensing Committee Meeting on November 1, 2022 the Applicant requested **to lay over** this application for a Corporate Change to their On-Premises Restaurant Liquor License (SN# 1025191) to December/2022 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the NYSLA should they proceed; and

**THEREFORE, BE IT RESOLVED** that Community Board 2, Manhattan strongly recommends that the NYSLA **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 **Windy Gates Soho, Inc. d/b/a Balthazar, 80-82 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 NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

**Vote:** Unanimous in favor

**10. 66 Greene LLC, fka An Entity to be Formed by Alexander Grant d/b/a TBD, 66 Greene St. 10012, Grnd. Fl. & Bsmt.** (TW–Clothing Store with Café)

**Whereas**, prior to this month's Community Board 2, Manhattan's SLA Licensing Committee Meeting on November 1, 2022 the Applicant requested **to lay over** this application for a Tavern Wine License to December/2022 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the NYSLA should they proceed; and

**THEREFORE, BE IT RESOLVED** that Community Board 2, Manhattan strongly recommends that the NYSLA **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 **66 Greene LLC, fka An Entity to be Formed by Alexander Grant d/b/a TBD, 66 Greene 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 NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

**Vote:** Unanimous in favor

**11. Hex Squared, LLC d/b/a Hex & Company, 801 Broadway 10003 (TW–Bar/Tavern)**

**Whereas**, prior to this month's Community Board 2, Manhattan's SLA Licensing Committee Meeting on November 1, 2022 the Applicant requested to lay over this application for a Tavern Wine License to December/2022 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the NYSLA should they proceed; and

**THEREFORE, BE IT RESOLVED** that Community Board 2, Manhattan strongly recommends that the NYSLA 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 **Hex Squared, LLC d/b/a Hex & Company, 801 Broadway 10003**, until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

**Vote:** Unanimous in favor

**12. Baotea Mulberry, Inc., 122 Mulberry St. 10013 (RW–Restaurant)**

**Whereas**, at this month's Community Board 2, Manhattan's SLA Licensing Committee Meeting on November 1, 2022 the Applicant requested to lay over this application for a Restaurant Wine License to December/2022 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the NYSLA should they proceed; and

**THEREFORE, BE IT RESOLVED** that Community Board 2, Manhattan strongly recommends that the NYSLA 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 **Baotea Mulberry, Inc., 122 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 NYSLA and requests that the NYSLA send this

Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

**Vote:** Unanimous in favor

**13. Sushi Sashe, Inc. d/b/a Sushi 456, 456 Hudson St. 10014 (RW–Restaurant)**

**Whereas**, prior to this month’s Community Board 2, Manhattan’s SLA Licensing Committee Meeting on November 1, 2022 the Applicant requested **to lay over** this application for a Restaurant Wine License to December/2022 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the NYSLA should they proceed; and

**THEREFORE, BE IT RESOLVED** that Community Board 2, Manhattan strongly recommends that the NYSLA **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 **Sushi Sashe, Inc. d/b/a Sushi 456, 456 Hudson St. 10014, until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

**Vote:** Unanimous in favor

**14. MFC Time Square, LLC, 19 Waverly Pl. 10013 (RW–Restaurant)**

**Whereas**, at this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on November 1, 2022 the Applicant **failed to appear** on this application and did not provide information or explanation as to such non-appearance before CB2 Manhattan; and

**THEREFORE, BE IT RESOLVED** that CB2, Manhattan strongly recommends that the NYSLA **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 **MFC Time Square, LLC, 19 Waverly Pl. 10013 until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA 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 in favor



**15. Gi Gi Group, LLC d/b/a TBD, 138 Bowery 10013 (OP–Hotel)**

**Whereas**, prior to this month’s Community Board 2, Manhattan’s SLA Licensing Committee Meeting on November 1, 2022 the Applicant requested **to lay over** this application for a On-Premises Hotel License to December/2022 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the NYSLA should they proceed; and

**THEREFORE, BE IT RESOLVED** that Community Board 2, Manhattan strongly recommends that the NYSLA **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 **Gi Gi Group, LLC d/b/a TBD, 138 Bowery 10013, until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

**Vote:** Unanimous in favor

**16. Wegman’s Food Markets, Inc., 770 Broadway 10003 (OP–Restaurant) (Municipal Expansion)**

**Whereas**, prior to this month’s Community Board 2, Manhattan’s SLA Licensing Committee Meeting on November 1, 2022 the Applicant requested **to lay over** this application for an On-Premises Restaurant License and Expansion to Municipal Property to December/2022 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the NYSLA should they proceed; and

**THEREFORE, BE IT RESOLVED** that Community Board 2, Manhattan strongly recommends that the NYSLA **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 **Wegman’s Food Markets, Inc., 770 Broadway 10003, until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

**Vote:** Unanimous in favor

**17. Eataly Lafayette, LLC d/b/a TBD, 200 Lafayette St. 10012 (OP–Restaurant) (Municipal Expansion)**

**Whereas**, prior to this month's Community Board 2, Manhattan's SLA Licensing Committee Meeting on November 1, 2022 the Applicant requested **to lay over** this application for an On-Premises Restaurant License and Expansion to Municipal Property to December/2022 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the NYSLA should they proceed; and

**THEREFORE, BE IT RESOLVED** that Community Board 2, Manhattan strongly recommends that the NYSLA **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 **Eataly Lafayette, LLC d/b/a TBD, 200 Lafayette 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 NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

**Vote:** Unanimous in favor

**18. TQTO Corp., 99 Macdougall St. 10012 (OP-Restaurant)**

**Whereas**, prior to this month's Community Board 2, Manhattan's SLA Licensing Committee Meeting on November 1, 2022 the Applicant requested **to lay over** this application for a On-Premises Restaurant License to December/2022 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the NYSLA should they proceed; and

**THEREFORE, BE IT RESOLVED** that Community Board 2, Manhattan strongly recommends that the NYSLA **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 **Eataly Lafayette, LLC d/b/a TBD, 200 Lafayette 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 NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

**Vote:** Unanimous in favor

Respectfully submitted,

Robert Ely and Donna Raftery, Co-Chairs, SLA Licensing Committee  
Community Board 2, Manhattan



## COMMUNITY BOARD NO. 2, MANHATTAN

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### SLA LICENSING COMMITTEE 2

The SLA Licensing Committee #2 of Community Board 2, Manhattan, held a meeting at 6:30 PM on Thursday November 3, 2022, via Zoom Conferencing.

Committee Board Members Present: R. Ely (Co-Chair), D. Raftery (Co-Chair), M. Fitzgerald, S. Kent, K. Bordonaro, Dr. S. Smith and B. Pape.

Committee Board Members absent with notice: C. Flynn

Other Board Members Present: C. Booth, Valerie De La Rosa

### **RESOLUTIONS:**

**1. Ja Ja Ja West Village, LLC d/b/a Ja Ja Ja, 63 Carmine St. 10014 (OP – Alteration adding basement to the licensed premises)**

**i. Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an alteration application to add alcohol service, use and occupancy of the basement portion of their existing premise while continuing to operate their full-service “restaurant focused on healthy plant-based cuisine inspired by Mexican street food”; and,

**ii. Whereas**, the licensed premise will now include the ground floor and basement levels of a 5 story mixed residential townhouse building (circa 1900) on Carmine St. between Bedford and 7<sup>th</sup> Avenue South with an additional rear entrance on 7<sup>th</sup> Avenue South, this building falling within NYC LPC’s designated Greenwich Village Historic District; and,

**iii. Whereas**, with the addition of the basement to the licensed premise, where the licensee is adding additional interior seating and an additional bar area, the interior license premise will now be roughly 2,900 sq. ft premise (1,800 sq ft ground floor and 1,100 sq ft basement), with 47 interior tables and 99 patron seats, 2 Standup Bars with 11 seats for a total interior seating of 110 patrons; and,

**iv. Whereas**, there will also continue to be exterior seating with 3 tables and 6 seats in a small rear yard along 7<sup>th</sup> Avenue South and 14 tables and 28 seats on the public sidewalk along 7<sup>th</sup> Avenue South, as well as 4 tables and 8 patrons seats on the public sidewalk on Carmine Street; and,

v. **Whereas**, since obtaining it's on premise license in 2018 for the ground floor premises, the Applicant/Licensee has only operated on the ground floor but not in the basement, instead working to obtain the proper permits to operate in the basement in conjunction with the ground floor operations, the applicant having presented correspondence from its Architects confirming that general construction, electrical, plumbing, structural and sprinkler work are substantially installed, and that final inspections from the NYC DOB, as well as Public Assembly Permit will be obtained for this purpose; and,

vi. **Whereas**, the Applicant's method of operation will continue to be a full-service restaurant and no other changes are being made, other than to add the basement seating, the interior hours of operation will be continue to be 11AM to 2AM 7 days a week, the exterior hours of operation for the sidewalk cafés and rear yard area will continue to be 11AM to 10PM Sunday to Thursday and 11AM to 11PM Friday to Saturday, all doors and windows will be closed at 10PM, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no dj no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

vii. **Whereas**, objections were raised to this application by local residents residing above and next door to the licensed premises, regarding noise, trash and safe access to the roadway from a roadway structure built by the Applicant during the pandemic, there already being significant exterior sidewalk seating on the public sidewalks located in the rear and front of the licensed premise, the Applicant thereafter, getting together and meeting with those neighbors, as well as four local block associations, resulting in compromise and the removal of the roadbed structure and roadbed seating; and

viii. **Whereas**, the Applicant executed and had notarized a Stipulations Agreement with Community Board 2, Manhattan which will be incorporated into the Method of Operation for the On Premise License, with those stipulations as follows:

1. The premises will be advertised and operated as a Premise will be advertised and operated as a full service restaurant serving plant-based Mexican cuisine, with kitchen open and full menu items available until closing every night.
2. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
3. The interior hours of operation will be Sunday to Saturday from 12 PM to 2 AM.
4. Will not operate a backyard garden or any outdoor area for commercial purposes except for sidewalk café seating operating under the temporary Open Restaurants program located immediately adjacent to and limited to storefront frontage width, leaving a minimum clearance of 8' to the curbside for pedestrian passage with no more than four (4) tables and eight (8) patron seats on Carmine Street and with no more than seventeen (17) tables and thirty-four (34) patron seats on Seventh Avenue South. No roadbed seating and any structures, previously built, will be removed within 60 days.
5. Sidewalk café seating will close no later than 10 PM Sunday to Thursday and no later than 11 PM Fridays and Saturdays. No exterior music, speakers.
6. Will not install or have French doors, operable windows or open facades.
7. Will close all doors & windows at all times, allowing only for patron ingress and egress.

8. Entrance/exit to cellar will be closed except for emergency egress except for certain events/parties taking place in cellar.
9. Rear entrance from 7th Ave South will not be used for patrons after the rear yard and sidewalk cafe closes.
10. Will play quiet ambient recorded background music only within interior. No music will be audible in any adjacent residences anytime.
11. The premises will not have televisions.
12. The entire premises will operate under one trade name (D/B/A) only.
13. All waiting patrons will be accommodated inside the premises. If there are additional waiting patrons an electronic paging style system will be utilized to alert patrons when seating is available so that they will not wait in front of the premises.
14. The premises will not have DJ's, dancing, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
15. Will not have unlimited drink or unlimited food & drink specials. Will not have "boozy brunches". No pitchers of beer.
16. There will be no "bottle service" or the sale of bottles of alcohol except for the sale of bottles of wine products.
17. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
18. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.

**THEREFORE BE IT RESOLVED** that Community Board 2, Manhattan recommends **denial** of the alteration application for an existing on premise liquor license to **Ja Ja Ja West Village, LLC d/b/a Ja Ja Ja, 63 Carmine St. 10014** **unless** the statements the Applicant has presented are accurate and complete and that the above-stated conditions and existing stipulations agreed to by the Applicant continue to be incorporated into the Method of Operation on the SLA On Premise License.

**Vote:** Unanimous in favor (7-0)

**2. Greed Island, LLC d/b/a TBD, 70 Charlton St. 10014 (New OP – Restaurant)**

**i. Whereas**, the Applicant and the Applicant's attorney appeared before Community Board 2, Manhattan's SLA Committee to present an application to the NYS Liquor Authority for a new On-Premises Liquor License to operate a full-service restaurant focusing on Japanese cuisine within a newly built, twenty-one story residential building (circa 2014) on Charlton St. between Hudson and Varick Streets in Hudson Square; and,

**ii. Whereas**, the Applicant will operate a full-service restaurant in a previously-unlicensed premises, within a ground floor storefront that is roughly 2000 sq. ft. in size; there will be a full-service kitchen and dining room with a total of 40 patron seats, comprised of 7 tables with 30 seats and 1 stand-up bar with 10 seats; the premises will have no outdoor seating and has 1 patron entrance and 3 bathrooms; and

**iii. Whereas**, the Applicant's hours of operation will be Sunday through Saturday from 12:00 PM to 12:00 AM, music will be quiet recorded background only; there will be no DJ's, no

promoted events, no live music or scheduled performances, no cover fees, and no televisions; there is no sidewalk café, roadbed dining or other exterior service of alcohol included with this application; and

iv. **Whereas**, this application being subject to the 500 foot rule requiring the Applicant to demonstrate that the public interest would be served by adding another liquor license at this location, there being 29 active licensed premises within 750 feet of the subject premises, in addition to 4 pending licenses, the Applicant having met with a local resident from the building where the licensed premises will be located, obtaining her support with the agreed upon stipulations being reasonable, the public interest being established albeit subject to the Applicant abiding by those agreed upon stipulations; and

v. **Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan which will be incorporated into the “Method of Operation” of the Restaurant On Premises License, with those stipulations as follows:

1. The Applicant will operate a full-service restaurant with a full-service kitchen, with the kitchen open and the full menu available until closing every night.
2. The hours of operation will be Sunday to Saturday from 12:00 PM to 12:00 AM.
3. Will not install or have French doors, operable windows or open facades.
4. The premise will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
5. The Applicant will not operate a backyard garden or any other outdoor area for commercial purposes, including any sidewalk and/or roadbed seating operated under the temporary Open Restaurants program.
6. It will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at any time.
7. It will keep all doors and windows closed at all times, allowing only for patron ingress and egress.
8. Will not have televisions.
9. It will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
10. It will not have unlimited drink or unlimited food & drink specials. It will not have “boozy brunches” and will not sell pitchers of beer.
11. There will be no “bottle service” or the sale of alcohol by the bottle, except for beer and wine products.
12. The Applicant will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
13. It will not have any of the following: dancing, DJs, live music, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades, or doormen/security personnel.
14. It will appear before CB2, Manhattan for an alteration to its license prior to submitting plans for permanent sidewalk or roadbed seating.

**THEREFORE BE IT RESOLVED** that Community Board 2, Manhattan recommends **denial** of the application for a new Restaurant On Premises Liquor License to **Greed Island, LLC d/b/a TBD, 70 Charlton St. 10014**, **unless** the statements presented by the Applicant are accurate and

complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the SLA Restaurant On Premises License.

**Vote:** Unanimous in favor (7-0)

**3. Greed Island, LLC d/b/a TBD, 61 Van Dam St. 10014 (New OP – Cafe)**

**i. Whereas,** the Applicant and the Applicant’s attorney appeared before Community Board 2, Manhattan’s SLA Committee to present an application to the NYS Liquor Authority for a new On-Premises Liquor License to operate a small café specializing in Japanese desserts within a newly built, twenty-one story residential building (circa 2014) on Vandam St. between Hudson and Varick Streets in Hudson Square; and,

**ii. Whereas,** the Applicant will operate the café in conjunction with a new full-service restaurant, within the same building (aka 70 Charlton) in a previously-unlicensed premises, within a small ground floor storefront that is roughly 550 sq. ft. in size; the café will be operated by the same owners and managers of the full-service restaurant operating with a kitchen, albeit not being contiguous to the restaurant, the café having a total of 8 patron seats, comprised of 4 tables with seats and no stand-up bar; the premises will have no outdoor seating and has 1 patron entrance and 1 bathroom; and

**iii. Whereas,** the Applicant’s hours of operation will be Sunday through Saturday from 12:00 PM to 12:00 AM, music will be quiet recorded background only; there will be no DJ’s, no promoted events, no live music or scheduled performances, no cover fees, and no televisions; there is no sidewalk café, roadbed dining or other exterior service of alcohol included with this application; and

**iv. Whereas,** this application being subject to the 500 foot rule requiring the Applicant to demonstrate that the public interest would be served by adding another liquor license at this location, there being 29 active licensed premises within 750 feet of the subject premises, in addition to 4 pending licenses, the Applicant having met with a local resident from the building where the licensed premises will be located, obtaining her support with the agreed upon stipulations being reasonable, the public interest being established albeit subject to the Applicant abiding by those agreed upon stipulations; and

**v. Whereas,** the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan which will be incorporated into the “Method of Operation” of the Restaurant On Premises License, with those stipulations as follows:

1. The Applicant will operate a café serving desserts with full menu available until closing every night.
2. The hours of operation will be Sunday to Saturday from 7:00 AM to 12:00 AM.
3. Will not install or have French doors, operable windows or open facades.
4. The premise will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.

5. The Applicant will not operate a backyard garden or any other outdoor area for commercial purposes, including any sidewalk and/or roadbed seating operated under the temporary Open Restaurants program.
6. It will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at any time.
7. It will keep all doors and windows closed at all times, allowing only for patron ingress and egress.
8. Will not have televisions.
9. It will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
10. It will not have unlimited drink or unlimited food & drink specials. It will not have “boozy brunches” and will not sell pitchers of beer.
11. There will be no “bottle service” or the sale of alcohol by the bottle, except for beer and wine products.
12. The Applicant will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
13. It will not have any of the following: dancing, DJs, live music, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades, or doormen/security personnel.
14. It will appear before CB2, Manhattan for an alteration to its license prior to submitting plans for permanent sidewalk or roadbed seating.

**THEREFORE BE IT RESOLVED** that Community Board 2, Manhattan recommends **denial** of the application for a new Restaurant On Premises Liquor License to **Greed Island, LLC d/b/a TBD, 61 Van Dam St. 10014**, **unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the SLA Restaurant On Premises License.

**Vote:** Unanimous in favor (7-0)

**4. CE 27, LLC d/b/a Quique Crudo, 27 Bedford St. 10014 (New OP - Restaurant)**

**i. Whereas**, the Applicant and his two Sons appeared before Community Board 2, Manhattan’s SLA Committee to present an application to the NYS Liquor Authority for a new On-Premises Liquor License to operate a seafood-infused Mexican restaurant within a residentially zoned (R6) four story tenement style building (circa 1900) on Bedford Street between Downing and West Houston Streets in Greenwich Village, the building falling within NYC LPC’s designated Greenwich Village Historic District; and,

**ii. Whereas**, the Applicant, who is an owner of the building where the licensed premises is planned, also runs a family-owned restaurant group that operates two restaurants in Long Island City (Casa Enrique and Café Henri), and seeks to open a full-service restaurant in a roughly 400 sq. ft. ground floor storefront with 700 sq. ft. cellar (the cellar being for storage purposes only with no patron access/use), which will be accessed via a hatch in sidewalk); there will be a total of 12 patron seats, comprised of 1 counter/bar with 12 seats; the storefront infill being fixed with there are no French doors or operable windows, with 1 patron entrance/exit and 1 bathroom; there will



be no use the residential hallway to access the cellar storage areas ancillary to the storefront and access to the cellar will be via sidewalk hatch only; and,

**iii. Whereas,** the storefront premise previously operated as a dessert bar with a tavern-wine license, the premises to be licensed having never previously operated with an on-premise license; and,

**iv. Whereas,** the Applicant's hours of operation will be Sundays from 10:00 AM to 10:00 PM, Monday through Thursday from 4:00 PM to 10:00 PM, Fridays from 4:00 PM to 12:00 AM and Saturdays from 10:00 AM to 12:00 AM; music will be quiet recorded background only; there will be no DJ's, no promoted events, no live music or scheduled performances, no cover fees, and no televisions; there will be no roadbed or sidewalk dining or any other outdoor uses for commercial purposes with this application; and

**v. Whereas,** there was significant opposition to the instant application from those living on Bedford Street and the Bedford Downing St. Block Association, the opposition citing the residential nature and residential zoning on the block, Bedford St. being narrow, one way with small/as well as the proliferation of liquor licensing on Bedford St., resulting in late night noise and disturbances, exacerbated by the recent proliferation of roadway sheds and outdoor dining where those impacts did not previously exist; and,

**vi. Whereas,** due to that opposition, the Applicant agreed to lay this application over to meet with those in opposition to seek compromise on the significant impacts caused by the licensing of another storefront in the immediate area, the Applicant seeking to work with its neighbors by agreeing to stipulations designed to reduce such intrusions and impacts; and,

**vii. Whereas,** this application being subject to the 500 foot rule requiring the Applicant to demonstrate that the public interest would be served by adding another liquor license at this location, there being 70 active licensed premises within 750 feet of the subject premises, in addition to 10 pending licenses, the Applicant having met with local residents, and despite their objections, still created compromise with the agreed upon stipulations being reasonable, the public interest being established albeit subject to the Applicant and Licensee abiding by those agreed upon stipulations; and

**viii. Whereas,** the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan which will be incorporated into the "Method of Operation" of the Restaurant On Premises License, with those stipulations as follows:

1. The Applicant will operate a full-service restaurant with a full-service kitchen, with the kitchen open and the full menu available until closing every night.
2. The hours of operation will be Sundays from 10:00 AM to 10:00 PM, Monday through Thursday from 4:00 PM to 10:00 PM, Fridays from 4:00 PM to 12:00 AM and Saturdays from 10:00 AM to 12:00 AM.
3. Will not install or have French doors, operable windows or open facades.
4. The premise will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.

5. The Applicant will not operate any outdoor area for commercial purposes including any sidewalk or roadbed seating operating under the temporary Open Restaurants program.
6. It will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at any time.
7. It will keep all doors and windows closed at all times, allowing only for patron ingress and egress.
8. Will not have televisions.
9. There will be no use of the residential hallway for any purpose.
10. It will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
11. It will not have unlimited drink or unlimited food & drink specials. It will not have “boozy brunches” and will not sell pitchers of beer.
12. There will be no “bottle service” or the sale of alcohol by the bottle, except for beer and wine products.
13. The Applicant will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
14. It will not have any of the following: dancing, DJs, live music, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades, or doormen/security personnel.
15. It will appear before CB2, Manhattan for an alteration to its license prior to submitting plans for permanent sidewalk or roadbed seating.

**THEREFORE BE IT RESOLVED** that Community Board 2, Manhattan recommends **denial** of the application for a new Restaurant On Premises Liquor License to **CE 27, LLC d/b/a Quique Crudo, 27 Bedford St. 10014**, **unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the SLA Restaurant On Premises License.

**Vote:** Unanimous in favor (7-0)

**5. Bangkok Supper Club, LLC d/b/a Bangkok Supper Club, 641 Hudson St. 10014 (New OP - Restaurant)**

**i. Whereas**, the Applicant and the Applicant’s attorney appeared before Community Board 2, Manhattan’s SLA Committee to present an application to the NYS Liquor Authority for a new On-Premises Liquor License to operate a restaurant serving Thai cuisine within a ground floor storefront located within a five-story, Federal style townhouse building (circa 1910) on Hudson Street between Gansevoort and Horatio Streets, this building falling within NYC LPC’s designated Gansevoort Market Historic District; and,

**ii. Whereas**, the storefront proposed to be licensed is roughly 3650 sq. ft. (2150 sq. ft. ground floor and 1500 sq. ft. basement with the basement being for mechanical systems and storage purposes only), there is a full-service kitchen, 19 tables with 58 patron seats, one stand-up bar with 11 additional seats for a total indoor seated patron occupancy of 69 persons, there is one (1) entry and one (1) exits and one (1) patron bathroom, the store front infill being fixed without operable doors or windows that open out to the sidewalk; and

**iii. Whereas,** the Applicant’s hours of operation will be Sundays to Thursdays from 12:00 PM to 11:00 PM and Fridays/Saturdays from 12:00 PM until 12:00 AM, music will be quiet recorded background only; there will be no DJ’s, no promoted events, no live music or scheduled performances, no cover fees, and no televisions; there is no roadbed dining or other exterior service of alcohol included with this application; and

**iv. Whereas,** this application being subject to the 500 foot rule requiring the Applicant to demonstrate that the public interest would be served by adding another liquor license at this location, , there being 63 active on premise liquor licenses within 750 feet of the location proposed to be licensed, with 4 additional pending licenses, the Applicant having operated a restaurant within CB2 Man. for many years without significant conflict, with the agreed upon stipulations being reasonable, the public interest being established albeit subject to the Applicant and Licensee abiding by those agreed upon stipulations; and

**v. Whereas,** the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan which will be incorporated into the “Method of Operation” of the Restaurant On Premises License, with those stipulations as follows:

1. The Applicant will operate a full-service restaurant with a full-service kitchen, with the kitchen open and the full menu available until closing every night.
2. The hours of operation will be Sundays to Thursdays from 12:00 PM to 11:00 PM and Fridays/Saturdays from 12:00 PM until 12:00 AM.
3. Will not install or have French doors, operable windows or open facades.
4. The premise will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
5. Will not operate any outdoor area for commercial purposes including any sidewalk or roadbed seating operating under the temporary Open Restaurants program.
6. It will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at any time.
7. It will keep all doors and windows closed at all times, allowing only for patron ingress and egress.
8. Will not have televisions.
9. Will use an electronic reservation system capable of online messaging to interact with customers remotely, as needed, to prevent crowds from queuing/gathering/waiting to enter on sidewalk.
10. It will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
11. It will not have unlimited drink or unlimited food & drink specials. It will not have “boozy brunches” and will not sell pitchers of beer.
12. There will be no “bottle service” or the sale of alcohol by the bottle, except for beer and wine products.

13. The Applicant will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
14. It will not have any of the following: dancing, DJs, live music, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades, or doormen/security personnel.
15. It will appear before CB2, Manhattan for an alteration to its license prior to submitting plans for permanent sidewalk or roadbed seating.

**THEREFORE BE IT RESOLVED** that Community Board 2, Manhattan recommends **denial** of the application for a new Restaurant On Premises Liquor License to **Bangkok Supper Club, LLC d/b/a Bangkok Supper Club, 641 Hudson St. 10014** **unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the SLA Restaurant On Premises License.

**Vote:** Unanimous in favor (7-0)

**6. Masticabrodo, Inc. d/b/a TBD, 453 6th Ave. 10014 (New OP-Restaurant)**

**i. Whereas**, the Applicant and the Applicant’s attorney appeared before Community Board 2, Manhattan’s SLA Committee for a new On-Premises Liquor License to operate a specialty store and restaurant in a ground floor storefront located within a three-story, Federal style townhouse building (circa 1910) on Sixth Avenue between West 10<sup>th</sup> and West 11<sup>th</sup> Streets, this building falling within NYC LPC’s designated Greenwich Village Historic District; and,

**ii. Whereas**, the storefront proposed to be licensed was previously operated as a Chinese Restaurant (Sammy’s Noodle Shop), is roughly 6000 sq. ft. (2800 sq. ft. ground floor and 3200 sq. ft. basement with the basement not being for purposes of eating/drinking or the service of alcohol), there is a full-service kitchen with pizza oven, 24 interior tables with 64 patron seats, one stand-up bar with 8 additional seats for a total indoor seated patron occupancy of 72 persons, there are three (3) entry doors and three (3) exits and three (3) patron bathrooms, the store front infill being fixed without operable doors or windows that open out to the sidewalk; and

**iii. Whereas**, the Applicant’s hours of operation will be Sunday to Thursday from 12:00 PM to 11:00 PM and Fridays/Saturdays from 12:00 PM until 12:00 AM, music will be quiet recorded background only; there will be no DJ’s, no promoted events, no live music or scheduled performances, no cover fees, and no televisions; and,

**iv. Whereas**, the Applicant also plans to have sidewalk seating immediately in front of the storefront to be licensed, with 10 tables and 24 patron seats that will close by 10 PM Sunday-Thursday and by 11 PM Fridays and Saturdays, with no other exterior service of alcohol included in this application; and,

v. **Whereas**, this application being subject to the 500 foot rule requiring the Applicant to demonstrate that the public interest would be served by adding another liquor license at this location, there being 15 active on premise liquor licenses within 750 feet of the location proposed to be licensed, with the agreed upon stipulations being reasonable, the public interest being established albeit subject to the Applicant and Licensee abiding by those agreed upon stipulations; and,

vi. **Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan which will be incorporated into the “Method of Operation” of the Restaurant On Premises License, with those stipulations as follows:

1. The Applicant will operate a grocery store/cafe and full-service restaurant, with kitchen open and full menu items available until closing every night.
2. The hours of operation will be Sunday to Thursday from 12:00 PM to 11:00 PM and Fridays/Saturdays from 12:00 PM until 12:00 AM.
3. Will not install or have French doors, operable windows or open facades.
4. The premise will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
5. Will not operate a backyard garden or any outdoor area for commercial purposes except for sidewalk café seating operating under the temporary Open Restaurants program located immediately adjacent to and limited to storefront frontage width, leaving a minimum clearance of 8' to the curbside for pedestrian passage with no more than 10 tables and 24 patron seats. No roadbed seating.
6. Sidewalk café will close no later than 10 PM Sunday through Thursday and no later than 11 PM Fridays and Saturdays. No exterior music, speakers or TVs.
7. It will play quiet ambient recorded background music in the interior only. No music will be audible in any adjacent residences at any time.
8. It will keep all doors and windows closed at all times, allowing only for patron ingress and egress.
9. Will not have televisions.
10. It will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
11. It will not have unlimited drink or unlimited food & drink specials. It will not have “boozy brunches” and will not sell pitchers of beer.
12. There will be no “bottle service” or the sale of alcohol by the bottle, except for beer and wine products.
13. The Applicant will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
14. It will not have any of the following: dancing, DJs, live music, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades, or doormen/security personnel.
15. It will appear before CB2, Manhattan for an alteration to its license prior to submitting plans for permanent sidewalk or roadbed seating.

**THEREFORE BE IT RESOLVED** that Community Board 2, Manhattan recommends **denial** of the application for a new Restaurant On Premises Liquor License to **Masticabrodo, Inc. d/b/a TBD, 453 6th Ave. 10014** **unless** the statements presented by the Applicant are accurate and

complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the SLA Restaurant On Premises License.

**Vote:** Unanimous in favor (7-0)

**7. A Not-for-Profit Entity to be formed by HC Operator Inc., d/b/a TBD, 29-35 Ninth Avenue 10014 (New Club Liquor)**

**i. Whereas,** the Applicant and its Attorney appeared before Community Board 2, Manhattan’s SLA Committee #2 to present an application to the NYS Liquor Authority for a new Club Liquor License; the Applicant plans to operate a private social club with a full-service restaurant in an M1-5 zoned six-story mixed use building constructed in 1910 on Ninth Avenue between W. 13<sup>th</sup> and W. 14<sup>th</sup> Streets. (Block #646/Lot #7503), and which is located within NYC LPC’s Gansevoort Market Historic District; and

**ii. Whereas,** the anticipated social club will be located in a cellar space totaling approximately 12,000 sq. ft., with access from the first floor by both elevator and stairs; the premises will have a maximum occupancy of 350 persons, with seating for a total of 270 laid out as follows: a library (12 tables and 44 seats), a main dining room (32 tables and 88 seats), a private dining room (8 tables and 18 seats), a bar (12 tables, 26 seats, and 11 stools), a music lounge (15 tables, 30 seats, and 5 bar stools), a back lounge (16 tables and 32 seats), and private booths (2 booths with seats for up to 16) for a total of 270 seats; the premises, which has one entrance, one exit, and two restrooms, will have no outdoor seating or access to other parts of the building; and

**iii. Whereas,** the proposed hours of operation are 10:00 AM to 12:00 AM Sundays through Wednesdays and 10:00 AM to 2:00 AM Thursdays through Saturdays; the Applicant has stated that there will be no promoted events, no scheduled performances, no cover fees and no TV’s, but anticipates allowing private parties which may include the use of a DJ and/or live music; and

**iv. Whereas,** while the Applicant intends to register the entity to be formed as a not-for-profit under NYS Not-For-Profit Corporation law, which defines a “Not-for-Profit” entity 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)), the basis for claiming that the entity will operate as a not-for-profit is the Applicant’s assumption that it is unlikely that the business as envisioned will turn a profit; and

**v. Whereas,** it would be questionable to consider not-for-profit status as appropriate for a business merely because it does not anticipate generating profit and/or intends that any profit realized will be funneled back into the operation, and under such circumstances it cannot be said with clarity that the premises would not operate for pecuniary gain and as such be an appropriate candidate for a Club Liquor License; and

**vi. Whereas,** the Alcohol Beverage and Control Law defines a “club” for the purposes of a Club Liquor License as “an organization of persons incorporated pursuant to the provisions of the not-for-profit corporation law or the benevolent orders law, which is the owner, lessee or occupant

of a building used exclusively for club purposes, and 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); and

**vii. Whereas,** although the Applicant has had the opportunity to seek a declaratory ruling from the NYSLA to determine if it qualified under the ABC Law for a Club Liquor License but the Applicant elected not to seek such a ruling prior to bringing this application; and

**viii. Whereas,** it is in the public interest that NYSLA rule on the appropriateness of the present application to ensure that the state’s NFP and ABC laws are not used to improper advantage;

**ix. Whereas,** this application being subject to the 500 foot rule requiring the Applicant to demonstrate that the public interest would be served by adding another liquor license at this location, there being 60 active on premise liquor licenses within 750 feet of the location proposed to be licensed, and 9 additional pending licenses, the area already being greatly saturated with late night drinking establishments, this private members club not being unique, there being another private club located in the same building (Soho House) where this license is being sought, and there being two other such club licenses pending in the immediate area, one located in a Hotel (Gansevoort) across the street and a second a few blocks away (SV Bungalow); and,

**x. Whereas,** there are also traffic congestion concerns with this application, as the entrance to the premises is located on 13th Street just to the west of 9th Avenue, 13th Street being closed to vehicles most days from afternoon until 11PM as part of NYC DOT Open Streets program, with 9th Avenue south of 14th Street being essentially one lane, with SoHo House located in the same building with its entrance on 9th Avenue, the Gansevoort Hotel loading zone being located diagonally across the street on 9th Avenue and the flagship Restoration Hardware Store and Restaurant on 9th Avenue on the same block between Little West 12th and 13th Street, with the east and west curbsides of 9th Avenue between Little West 12th Street and 14th Street being continuously filled with large, for-hire SUVs, where there is no traffic plan presented to alleviate the additional traffic that the private members club will bring; and

**THEREFORE BE IT RESOLVED** that CB2, Manhattan recommends denial for a not-for-profit entity to be formed by **HC Operator Inc., d/b/a TBD, 29-35 Ninth Avenue 10014** on its application seeking a new Club Liquor License; and

**BE IT FURTHER RESOLVED** that should this application be considered by the SLA, Community Board 2, Manhattan respectfully requests that this item be calendared to appear before the Full Board of the SLA; and

**BE IT FURTHER RESOLVED** that if this application is considered by the SLA, despite Community Board 2, Manhattan’s recommendation to deny this application, CB2 requests that the SLA conduct a 500-foot hearing.

**Vote:** Unanimous in favor (7-0)

**8. 93 Greenwich, LLC d/b/a Chez Stanley, 93 Greenwich Ave. 10014 (New OP - Restaurant)**

**i. Whereas,** the Applicant and the Applicant's attorney appeared before Community Board 2, Manhattan's SLA Committee to present an application to the NYS Liquor Authority for a new On-Premises Liquor License to operate a neighborhood bistro restaurant within a six story residential building (circa 1929) on Greenwich Avenue. between West 4<sup>th</sup> and Bleecker Streets, this building falling within NYC LPC's designated Greenwich Village Historic District; and,

**ii. Whereas,** the Applicant will operate a full-service restaurant in a previously-licensed premises (Little Owl), the storefront being roughly 1300 sq. ft., comprised of an interior ground floor space of approximately 921 sq. ft. and a cellar of approximately 367 sq. ft. (with no patron use of basement); there will be a total of 36 patron seats, comprised of 14 tables with 32 seats and 1 stand-up bar with 4 seats; the storefront's infill being fixed and there are no French doors or operable windows, with 1 patron entrance/exit and 1 bathroom; and

**iii. Whereas,** the Applicant's hours of operation will be Sunday through Thursday from 10:00 AM to 12:00 AM, Fridays and Saturdays from 10:00 AM to 1:00 AM; music will be quiet recorded background only; there will be no DJ's, no promoted events, no live music or scheduled performances, no cover fees, and no televisions; there may be a small sidewalk café but there is no roadbed dining or use of the back yard included with this application; and

**iv. Whereas,** the Applicant also plans to have sidewalk seating immediately in front of the storefront to be licensed, with 4 tables and 8 patron seats that will close by 10 PM Sunday-Thursday and by 11 PM Fridays and Saturdays, with no other exterior service of alcohol included in this application; and,

**v. Whereas,** this application being subject to the 500 foot rule requiring the Applicant to demonstrate that the public interest would be served by adding another liquor license at this location, there being 54 active licensed premises within 750 feet of the subject premises, in addition to 5 pending licenses, the Applicant's agreed upon stipulations being reasonable, the public interest being established albeit subject to the Applicant and Licensee abiding by those agreed upon stipulations; and

**vi. Whereas,** the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan which will be incorporated into the "Method of Operation" of the Restaurant On Premises License, with those stipulations as follows:

1. The Applicant will operate a full-service restaurant with a full-service kitchen, with the kitchen open and the full menu available until closing every night.
2. The hours of operation will be Sunday through Thursday from 10:00 AM to 12:00 AM, Fridays and Saturdays from 10:00 AM to 1:00 AM.
3. Will not install or have French doors, operable windows or open facades.



4. The premise will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
5. The Applicant will not operate a backyard garden or any outdoor area for commercial purposes except for sidewalk café seating operating under the temporary Open Restaurants program located immediately adjacent to and limited to the storefront frontage width, leaving a minimum clearance of 8' to the curbside for pedestrian passage with no more than four (4) tables and eight (8) patron seats. No roadbed seating
6. Sidewalk café will close no later than 10 PM Sunday through Thursday and no later than 11 PM Fridays and Saturdays. No exterior music, speakers or TVs.
7. It will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at any time.
8. It will keep all doors and windows closed at all times, allowing only for patron ingress and egress.
9. Will not have televisions.
10. It will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
11. It will not have unlimited drink or unlimited food & drink specials. It will not have “boozy brunches” and will not sell pitchers of beer.
12. There will be no “bottle service” or the sale of alcohol by the bottle, except for beer and wine products.
13. The Applicant will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
14. It will not have any of the following: dancing, DJs, live music, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades, or doormen/security personnel.
15. It will appear before CB2, Manhattan for an alteration to its license prior to submitting plans for permanent sidewalk or roadbed seating.

**THEREFORE BE IT RESOLVED** that Community Board 2, Manhattan recommends denial of the application for a new Restaurant On Premises Liquor License to **93 Greenwich, LLC d/b/a Chez Stanley, 93 Greenwich Ave. 10014**, unless the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the SLA Restaurant On Premises License.

**Vote:** Unanimous in favor (7-0)

**9. J. Bell on Behalf of an Entity to be Formed d/b/a TBD, 102 Christopher St. 10014 (New OP-Bar/Tavern)**

- i. **Whereas**, the Applicant and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application to the NYS Liquor Authority for a new On-Premises Liquor License to operate a cocktail bar and restaurant in a ground floor storefront of a Residentially-zoned (R-6), five-story mixed-use tenement style building (c. 1920) on Christopher Street between Bleecker and Bedford Streets, with the building falling within NYC LPC’s designated Greenwich Village Historic District; and

- ii. **Whereas**, the ground floor storefront proposed to be licensed has been and continues to be operated as Rag & Bone, a retail clothing store, closing by 7:00 PM every evening, with the location having never previously been licensed for the service of alcohol or for eating and drinking; and,
- iii. **Whereas**, the storefront is approximately 2,610 sq. ft. consisting of a 1560 sq. ft. ground floor and 1050 sq. ft. in the basement, the two floors connected by an interior stairway, there is no patron use of the basement, the basement being for dry storage and food prep only; where there are eighteen (18) tables with 49 patron seats planned and one (1) bar with twelve (12) seats for a total seated patron occupancy of 61 seats; the premises has one (1) door which serves as patron ingress and egress and one (1) bathroom; and
- iv. **Whereas**, there will be a gut renovation of the unvented space, with the addition of new mechanical systems for ventilation, heating and cooling, with no plans provided for how that will be accomplished, the storefront infill be fixed without operable doors or windows; the Applicant also seeking exterior seating on the narrow sidewalk in front; and,
- v. **Whereas**, the proposed hours of operation are from 11:00 AM to 2:00 AM Sunday through Saturday; music for the interior is quiet background only consisting of music from iPod/CDs; there is no dancing, DJs, live music, promoted events, no scheduled performances or cover fees; and
- vi. **Whereas**, this application being subject to the 500 foot rule requiring the Applicant to demonstrate that the public interest would be served by the addition of another late night cocktail lounge at this location, the immediate area already being greatly saturated with late-night drinking establishments and liquor licenses, there being 84 active and 72 inactive licenses within 750 feet of the location proposed to be licensed, with 12 additional pending licenses, the location and block being zoned residential, the impact from transforming a dry retail space with operations closing at 7:00 PM to a cocktail lounge with a bar atmosphere until 2:00 AM being significant, especially where there exist a significant number of previously licensed vacant storefront locations within this Community Board and within this immediate area that remain available, and unused, with this location having never previously been licensed, this particular block also experiencing a significant increase in licensed, late night establishments, the Applicant not willing to compromise; and

**THEREFORE BE IT RESOLVED** that Community Board 2, Manhattan recommends **denial** of the application for Class Change to the Restaurant Wine License (SN# 1313689) in the name of **J. Bell on Behalf of an Entity to be Formed d/b/a TBD, 102 Christopher St. 10014**; and,

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

**BE IT FURTHER RESOLVED** that if this application is considered by the SLA, despite CB2, Manhattan's recommendation to deny this application, CB2 requests that the SLA conduct a 500-foot hearing; and,

**BE IT FURTHER RESOLVED**, that if despite CB2, Man.’s objections to this Application, should the NYSLA not find good cause to deny this Application, CB2 Man. recommends in the alternative that the following stipulations be imposed on any future on premise liquor license for **J. Bell on Behalf of an Entity to be Formed d/b/a TBD, 102 Christopher St. 10014** at this location:

1. The premises will be advertised and operated as a cocktail lounge and restaurant with kitchen open and full menu items available until closing every night.
2. The interior hours of operation will be Sunday to Saturday from 11:00 AM to 12:00 AM.
3. Will not install or have French doors, operable windows or open façades.
4. Will not operate any outdoor area for commercial purposes including any sidewalk or roadbed seating operating under the temporary Open Restaurants program.
5. Will keep closed all doors & windows at all times.
6. Will play quiet ambient recorded background music on the interior only. No music will be audible in any adjacent residences anytime.
7. There will be no TVs and the premises will not operate as a tavern or sports bar, or allow any portion of the premises to be operated in such a manner.
8. Will use an electronic reservation system capable of online messaging to interact with customers remotely, as needed, to prevent crowds from queuing/gathering/waiting to enter on sidewalk.
9. The premises will not have DJ’s, dancing, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
10. There will be no all you can eat/all you drink special or boozy brunches, or pitchers of beer.
11. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.
12. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
13. There will be no “bottle service” or the sale of alcohol by the bottle, except for beer and wine products.

**Vote:** Unanimous in favor (7-0)

**10. I Sodi, LLC, (from 105 Christopher St.) 314 Bleecker St. 10014 (New OP - Restaurant)**

**i. Whereas**, the Applicants and the Applicant’s attorney appeared before Community Board 2, Manhattan’s SLA Committee to present an application to the NYS Liquor Authority for a new On-Premises Liquor License to operate a full-service restaurant specializing in Italian cuisine within two four-story townhouse buildings (312 and 314 Bleecker) on the corner of Bleecker and Grove Streets, these buildings (circa 1847) falling within NYC LPC’s designated Greenwich Village Historic District; and,

**ii. Whereas**, the premises to be licensed was previously operated as a restaurant (L’atre Enterprises Inc. AOC), but will be undergoing a gut renovation, including the use/occupancy of combining two single story interior shed additions extending into the rear yards of each townhouse (312 and 314 Bleecker), the shed extensions leading to a large 600 sq. ft. rear yard garden that

represents the rear yard spaces of two separate townhomes, the open rear yard also being adjacent to and running along Grove Street, with French doors and windows being installed in the rear that lead into the open rear yard, the storefront infill on Bleecker St. remaining fixed without operable French doors or windows; and,

**iii. Whereas,** the combined interior foot print for the licensed premise is roughly 2,300 sq. ft (ground floor 1,385 sq. ft. and basement 1796 sq. ft. – no patron use in basement except bathrooms) where there will be 18 tables and 54 table seats, 1 standup bar with 14 seats, for a total of 68 interior seats, no TVs, two bathrooms, with 1 patron entrance/exit located on Bleecker St., and an emergency egress gate leading from the rear yard to the Grove Street sidewalk, the regressed exit gate being installed for emergency egress only; and,

**iv. Whereas,** the Applicant's hours of operation will be Sunday to Saturday from 11:00 AM to 12:00 AM, music on the interior will be quiet, recorded at background levels only; there will be no DJ's, no promoted events, no live music or scheduled performances, no cover fees, there is no sidewalk café, roadbed dining or use of any other exterior space except for the rear yard, which will include no more than 7 tables and 23 patron seats, for dining purposes only, that will be used on a seasonal basis, weather permitting, until 10 PM every evening; and

**v. Whereas,** this application being subject to the 500 foot rule requiring the Applicant to demonstrate that the public interest would be served by adding another liquor license at this location, there being 89 active licensed premises within 750 feet of the subject premises, in addition to 15 pending licenses, the Applicant having met with some neighbors, the impact of the rear yard use/occupancy, coupled with the French doors and windows at the rear creating a significant adverse impact on others living in the rear garden donut, surrounded by residential buildings, with the agreed upon stipulations being reasonable, the rear yard closing at a reason time, the public interest being established albeit subject to the Applicant and Licensee abiding by those agreed upon stipulations; and

**v. Whereas,** the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan which will be incorporated into the "Method of Operation" of the Restaurant On Premises License, with those stipulations as follows:

1. The Applicant will operate a full-service restaurant with a full-service kitchen, with the kitchen open and the full menu available until closing every night.
2. The hours of operation will be Sunday to Saturday from 11:00 AM to 12:00 AM.
3. The premise 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 operate any outdoor area for commercial purposes including any sidewalk café and/or roadbed seating operating under the Open Restaurants program except for backyard garden with no more than 7 tables and 23 patron seats. Rear Garden for seated patrons only, no music, no speakers, no singing, no heaters, seasonal use only.
5. Will not operate in backyard garden until a Certificate of Occupancy is obtained that allows for eating and drinking in rear yard.
6. Will close rear garden by 10 PM every night, lights out, neither patrons nor staff will remain after stated closing time.

7. Exit gate/doorway from rear garden for emergency egress only.
8. Will play quiet ambient recorded background music, interior only. No music will be audible in any adjacent residences at any time.
9. Will close all existing doors & windows in rear yard by 10 PM every night.
10. Will not have televisions.
11. It will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
12. It will not have unlimited drink or unlimited food & drink specials. It will not have “boozy brunches” and will not sell pitchers of beer.
13. There will be no “bottle service” or the sale of alcohol by the bottle, except for beer and wine products.
14. The Applicant will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
15. It will not have any of the following: dancing, DJs, live music, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades, or doormen/security personnel.
16. It will appear before CB2, Manhattan for an alteration to its license prior to submitting plans for permanent sidewalk or roadbed seating.

**THEREFORE BE IT RESOLVED** that Community Board 2, Manhattan recommends denial of the application for a new Restaurant On Premises Liquor License to **I Sodi, LLC, (from 105 Christopher St.) 314 Bleecker St. 10014**, unless the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the SLA Restaurant On Premises License.

**Vote:** Unanimous in favor (7-0)

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

11. **14<sup>th</sup> Street, LLC d/b/a Between Us, 232 W. 14<sup>th</sup> St. 10014 Cellar & Sub-Bsmt.** (New OP-Bar/Tavern (laid over))

**Whereas**, before this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on November 3, 2022 the Applicant agreed to lay over this application over to December/2022 so that a meeting with neighbors could be arranged, thereafter affirming that they 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,

**THEREFORE, BE IT RESOLVED** that CB2, Manhattan 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 **14<sup>th</sup> Street, LLC d/b/a Between Us, 232 W. 14<sup>th</sup> St. 10014 Cellar & Sub-Bsmt.** until CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA

suspend any decision on this license for 30 days until this important step is taken and the concerns of the Community be fully heard.

**Vote:** Unanimous in favor

**12. Saint Sabino, LLC d/b/a Pending, 113 Greenwich Ave. 10014 (New OP-Restaurant)**  
(laid over)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on November 3, 2022 the Applicant requested **to lay over** this application over to December/2022, affirming that they 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,

**THEREFORE, BE IT RESOLVED** that CB2, Manhattan 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 **Saint Sabino, LLC d/b/a Pending, 113 Greenwich Ave. 10014 until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license for 30 days until this important step is taken and the concerns of the Community be fully heard.

**Vote:** Unanimous in favor

**13. D. Rodolitz on Behalf of Entity to be Formed, 637 Hudson St. 10014 (New OP-Bar/Tavern)** (withdrawn)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on November 3, 2022 the Applicant requested **to withdraw** their application for an On-Premises Bar/Tavern License, and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the NYSLA should they proceed; and,

**THEREFORE, BE IT RESOLVED** that CB2, Manhattan 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 **D. Rodolitz on Behalf of Entity to be Formed, 637 Hudson St. 10014 until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license for 30 days until this important step is taken and the concerns of the Community be fully heard.

**Vote:** Unanimous in favor

**14. The Beer Garage II, LLC d/b/a The Beer Garage, 118 Christopher St. 10014 (Class Change to OP)**(laid over)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on November 3, 2022 the Applicant requested **to lay over** this application over to November/2022, affirming that they 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,

**THEREFORE, BE IT RESOLVED** that CB2, Manhattan 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 **The Beer Garage II, LLC d/b/a The Beer Garage, 118 Christopher St. 10014** **until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license for 30 days until this important step is taken and the concerns of the Community be fully heard.

**Vote:** Unanimous in favor

**15. DBNB, LLC d/b/a TBD, 64 Greenwich Ave. 10011 (New OP-Restaurant) (laid over)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on November 3, 2022 the Applicant requested **to lay over** this application over to December/2022, affirming that they 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,

**THEREFORE, BE IT RESOLVED** that CB2, Manhattan 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 **DBNB, LLC d/b/a TBD, 64 Greenwich Ave. 10011** **until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license for 30 days until this important step is taken and the concerns of the Community be fully heard.

**Vote:** Unanimous in favor

**16. Filaga 117 7<sup>th</sup> Avenue South, LLC, 117 7<sup>th</sup> Ave. So. 10014 (OP-Pizzeria/Bar) (withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on November 3, 2022 the Applicant requested **to withdraw** this application from further consideration; and,

**THEREFORE, BE IT RESOLVED** that CB2, Manhattan 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 **Filaga 117 7<sup>th</sup> Avenue South, LLC, 117 7<sup>th</sup> Ave. So. 10014** **until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license for 30 days until this important step is taken and the concerns of the Community be fully heard.

**Vote:** Unanimous in favor

**17. Ryan Reynolds d/b/a WEST10WEST, 242 W. 10<sup>th</sup> St. 10014** (New RW-Restaurant)  
(laid over)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on November 3, 2022 the Applicant requested **to lay over** this application over to December/2022, affirming that they 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,

**THEREFORE, BE IT RESOLVED** that CB2, Manhattan 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 **Ryan Reynolds d/b/a WEST10WEST, 242 W. 10<sup>th</sup> St. 10014** **until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license for 30 days until this important step is taken and the concerns of the Community be fully heard.

**Vote:** Unanimous in favor

Respectfully submitted,

Robert Ely and Donna Raftery, Co-Chairs, SLA Licensing Committee  
Community Board 2, Manhattan



Jeannine Kiely, *Chair*  
Susan Kent, *First Vice Chair*  
Valerie De La Rosa, *Second Vice Chair*



Antony Wong, *Treasurer*  
Amy Brenna, *Secretary*  
Ritu Chattree, *Assistant Secretary*

## Community Board No. 2, Manhattan

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Greenwich Village ✦ Little Italy ✦ SoHo ✦ NoHo ✦ Hudson Square ✦ Chinatown ✦ Gansevoort Market  
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### Bylaws Working Group

The Bylaws Working Group (“BWG”) of Manhattan Community Board 2 (the “Board”) held its monthly meeting virtually via Zoom on November 14<sup>th</sup> at 5:30 pm.

**Committee Members Present:** Susan Kent (Chair), Katy Bordonaro, David Gruber, Michael Levine, Matthew Metzger

**Other CB2 Members Present:** Susanna Aaron, Natasha Avanasians, Carter Booth, Valerie De La Rosa, Jeannine Kiely, Donna Raftery

**Agenda:** Discussion of final comments on the bylaws draft distributed at the October CB2 board meeting.

At the conclusion of its October meeting, the BWG anticipated that the bylaws would be ready for presentation to the board the following month. This month’s meeting was therefore members’ final opportunity to present the working group with any comments or questions prior to the November full board meeting.

In addition to a few minor comments of a technical nature, there was one substantive suggestion: a renewed request to reject the working group’s recommendation that any members attending a committee meeting be entitled to participate during its business session along with the committee’s members. Although this suggestion had been discussed at length and rejected at the BWG’s October meeting, after a presentation of arguments favoring rejection the group was given an opportunity to reconsider its position. The working group reaffirmed its recommendation to retain this feature allowing participation, which appears in the draft in Section 5.4, reiterating its view that guaranteeing the right to such participation promotes the goal of maximizing the amount of work accomplished in advance of the regular monthly full board meeting.

The bylaws draft distributed to the board with the BWG's October report represents the final version approved by the BWG, aside from its reformatting and the correction of certain internal references. A resolution recommending its adoption (as reformatted with corrections) is attached hereto as **Exhibit A**.

The meeting was adjourned at approximately 6:22 pm.

Respectfully submitted,

Susan Kent, Chairperson

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**EXHIBIT A**

**Whereas**, as the bylaws working group (“BWG”) of Manhattan Community Board 2 was reconstituted in 2020 to review and develop recommendations regarding possible changes to the Board’s bylaws as then in effect; and

**Whereas**, in August 2020 and September 2020 CB2 approved interim amendments related to the election process; and

**Whereas**, in October 2021 CB2 approved interim amendments related to the process of amending the bylaws; and

**Whereas**, the BWG has now completed its review of the bylaws and incorporated all of its suggested changes not yet approved by the board in a single draft;

**Therefore Be It Resolved** that the BWG recommends the existing bylaws of CB2 be replaced in their entirety with the following text:

**Bylaws of Community Board #2, Manhattan**

As Adopted by Community Board #2 on March 21, 1985 and April 18, 1985 and amended on 4/19/1990, 10/19/1990, 4/18/1991, 2/18/1993, 4/17/1997, 7/1/2002, 9/20/2002, 3/20/2003, 2/19/2004, 6/18/2009, 4/24/2014, 10/23/14, 9/24/15, 8/20/20, 9/17/20 & October 21, 2021.

These bylaws (“Bylaws”) of Manhattan Community Board #2, (“the Board”) shall conform to the provisions of the Charter of the City of New York (“City Charter”), including but not limited to Section 2800. The Board boundaries, unless changed by State and City law, are 14th Street, Canal Street, Fourth Avenue/the Bowery and the Hudson River.

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## Article 1. Membership

- Section 1.1 The Board shall consist of not more than fifty persons (“Members” or “Board Members”) appointed by the Borough President in accordance with applicable provisions of the City of New York City Charter (the “City Charter”).
- Section 1.2 Members shall serve without compensation.
- Section 1.3 All Members shall serve on the Board in their capacities as private citizens only. Their actions shall not be instructed by, or responsible to, any other organizations with which they may be affiliated.
- Section 1.4 Members are expected to be familiar with and follow the Board’s policies regarding the making of public statements, communications with the press, and the use of social media (“Communication Policies”), as they may be revised from time to time.
- Section 1.5 Except for the Chair, each Board Member is expected to serve on two permanent committees (“Standing Committees”), not including the Executive Committee, except that upon request of the Member and taking into consideration of the needs of the Board, its committees, working groups, and task forces (collectively, “Committees”) as well as the Member’s other contributions to the Board and the community, the Chair may allow a member to serve on one Standing Committee only. No Member shall serve on more than two Standing Committees, absent their express consent.
- Section 1.6 Each Board Member shall regularly attend meetings of the full Board and all Committees on which they serve. A Member shall not be deemed present at a meeting unless they are in attendance during substantially all of the meeting. When authorized, attendance may be by use of videoconferencing technology.
- Section 1.7 Each Board Member must give proper notification whenever they will be unable to attend any meeting at which their attendance is expected. A Member should also provide notice when they anticipate being late to any meeting or leaving it early.
- Section 1.8 The Chair, after consultation with the Executive Committee, may recommend to the Borough President the removal of a Board Member for cause, which may include a violation of these Bylaws or other official policies of the Board, or for unsatisfactory attendance at full Board and/or Committee meetings.
- Section 1.9 To encourage, as much as possible, that the membership of the Board represent the community and reflect its diversity of interests, the Members shall advocate that these qualities be considered in the appointment of new Members.

## Article 2. Conflicts of Interest

### Section 2.1 Conflicts of Interest

- a) Members are encouraged to reveal the existence of a conflict of interest, as defined by NYC's Conflict of Interest Board ("COIB") (a "Conflict"), whenever a matter involving the Conflict is first introduced for discussion at any Board or Committee meeting.
- b) A Member with a Conflict may only participate in debate to the extent permitted by the COIB; while a Member with a Conflict may advocate on behalf of their personal interests, they may not represent their private business interests, nor the interests of other persons with whom they have a financial relationship, including an employer or a private client. Before participating in debate, a Member with a Conflict should consider the possible impact of their statements before deciding to speak on the matter in question; though eligible to participate in debate, a Member with a Conflict is required to reveal the existence of a Conflict when they first speak, and they are never permitted to vote on the underlying matter that is the subject of the Conflict.
- c) Each Member is primarily responsible for determining whether a Conflict exists with regard to themselves. While each Member is free to consult fellow Board Members regarding the existence of a possible Conflict, no Member's personal opinion should be seen as authoritative in any such situation. Further, a Member's independent evaluation as to whether a Conflict of Interest exists cannot be deemed a sufficient defense for a failure to disclose and recuse. Members are always encouraged to seek the counsel of the COIB, whose opinion is determinative on the subject of Conflicts.
- d) To avoid any appearance of undue influence, a committee chairperson required to recuse themselves on a matter appearing on the committee's agenda may not serve as chair of any portion of the meeting and must turn over the duties of chairperson to another committee member.

### Section 2.2 Relevant Relationships

- a) In the interest of transparency and to promote more informed debate, Members are encouraged, though not required, to reveal the existence and nature of any relationship concerning a matter before the full Board, a committee, or working group of the Board, when such relationship could reasonably be interpreted as influencing the Member's viewpoint or vote (a "Relevant Relationship"). A relationship need not involve a financial

relationship, nor rise to the level of a Conflict in order to qualify as a Relevant Relationship. Each Member bears the responsibility for evaluating their particular situation, including whether there exists a Relevant Relationship that merits disclosure, the extent of any such disclosure, and, in addition, whether a possible Conflict exists.

- b) The existence of a Relevant Relationship does not in any way prevent a Member from actively participating in debate, or from voting, unless such relationship also involves a Conflict. No action can be taken against a Member for failure to reveal a Relevant Relationship.

### **Article 3. Officers of the Board**

Section 3.1 The officers of the Board (each, an “Officer”) shall be the following: Chair, First Vice Chair, Second Vice Chair, Secretary, Assistant Secretary, and Treasurer, and such other officers designated by the Board.

Section 3.2 Each Officer shall perform such duties as are incident to the office as described in Sections 3.3 through 3.7.

Section 3.3 Duties of the Chair

- a) To perform all duties as prescribed in the City Charter and otherwise required by law.
- b) To receive the calendars and notices of meetings of all City Agencies required to refer matters to the community boards pursuant to the City Charter, to share these calendars and notices with the District Manager, and to inform the Board members of them.
- c) To attend any meetings required pursuant to the City Charter or otherwise required by the Mayor and/or the Borough President, or to designate their representative(s) to attend.
- d) To chair all regular and other full Board meetings at the time and date scheduled, which shall include:
  - 1. Opening the meeting and calling Members to order;
  - 2. Asking for approval of the agenda and announcing the business before the Board according thereto;
  - 3. Preparing and delivering the Chair’s report;
  - 4. Asking for approval of the previous month’s minutes;

5. Putting to a vote all questions or resolutions which are to be moved or which necessarily arise in the course of the Board's business, and to announce the result of all votes;
  6. Voting, in their capacity as a Board Member, on all questions and resolutions put before the Board;
  7. Interpreting and enforcing the Rules of Order, except as otherwise provided by these Bylaws or the City Charter.
- e) To represent and stand for the Board and perform all necessary functions according to the decisions duly made by the Board, including communicating with government agencies. Such communications shall be sent directly to the appropriate government agency with a copy of the same simultaneously forwarded to the Borough President's office, and any other pertinent city, state or federal office or elected official's office.
  - f) To authenticate all acts, orders and proceedings of the Board including the countersigning of all letters and documents of whatever nature sent on behalf of the Board, unless otherwise authorized, and to be the sole official spokesperson for the Board in relation to the news media, agencies of government and the public at large, except as they shall otherwise specifically authorize.
  - g) In consultation with the Executive Committee, to create new Committees, including Standing Committees, and to disband such Committees as may exist.
  - h) To appoint, suspend or remove chairs of the Board's Committees as may from time to time be deemed necessary for the best performance of the Board's function.
  - i) In consultation with Committee chairs, to appoint Members to all Committees or to remove Members therefrom.
  - j) To chair the Executive Committee.
  - k) To appoint representatives of the Board to Business Improvement Districts and other governmental, non-profit, community based, or other organizations, as appropriate. Appointees of the Chair to any position may be removed from such position at any time by the Chair.
  - l) To determine what material may be posted using the Board's social media accounts.
  - m) To keep the Vice Chairs informed of all information, orders, directives, and other matters coming to the Chair's attention, so



## EXHIBIT A

they are able to act in the absence of the Chair if need be and as hereinafter provided.

- n) To appoint a parliamentarian, if they so choose
- o) To appoint an acting secretary or assistant secretary if the Secretary and/or the Assistant Secretary are absent or unable to perform their duties.
- p) The term “Chair” is used in these by-laws to describe the presiding officer of the Board. Any individual elected to that office may not style themselves by other terms. This rule shall also apply to the First Vice Chair and the Second Vice Chair.

### Section 3.4 Duties of the Vice Chairs

- a) The First Vice Chair shall preside at the regular monthly meeting, or any portion thereof, in the place of the Chair when the Chair is absent, requests, or when the Chair must recuse themselves. In the absence of the First Vice Chair, the Second Vice Chair shall preside at the meeting.
- b) Subject to the provisions of Article 8 of these Bylaws, if the Chair can no longer serve or is unable to serve as Chair before his/her term has expired, the First Vice Chair shall succeed the Chair for the balance of the term for which the Chair was elected. If both the Chair and the First Vice Chair can no longer serve or are unable to serve, the Second Vice Chair shall succeed the Chair for the balance of the term for which the Chair was elected. If the Second Vice Chair can no longer serve or is unable to serve, the Secretary shall convene and chair a meeting of the Executive Committee prior to the upcoming full board monthly meeting to establish a process by which the Board shall elect new officers.

### Section 3.5 Duties of the Secretary

- a) The Secretary shall be the recording officer of the Board: they shall assist the Chair to determine if a quorum exists and shall take the minutes at all full Board meetings, to be assisted in their compilation and typing by the Board staff. The final version of the minutes as submitted by the Secretary and approved by the Chair shall be distributed, and copies forwarded to the Borough President and the offices of city, state, and federal elected officials representing the Board.
- b) If both the Chair and the First and Second Vice Chairs are absent from an Executive Committee or Board meeting, then the Secretary shall assume the duties of Chair for that meeting only.

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- c) Because of the possibility of the Assistant Secretary having to act in the absence of the Secretary, as herein provided, the Secretary shall keep the Assistant Secretary informed of all information, orders, directives and other matters coming to the Secretary's attention.

### Section 3.6 Duties of the Assistant Secretary

- a) The Assistant Secretary shall act as Secretary and record and report the minutes if the Secretary is not present at any full Board meeting, and when the Secretary is present, aid them as needed. They shall also take the minutes of the monthly Executive Committee Meeting, to be submitted to the Board Office and Chair.

### Section 3.7 Duties of the Treasurer

- a) The Treasurer shall oversee the bookkeeping procedures of the Board and shall be responsible for all fiscal matters pertaining to the Board's Operating Budget. He/she shall present to the Board quarterly and annual reports of current allocations, prorated expenditures, and proposed operating budgets.

### Section 3.8 Assisting the Chair

- a) All officers shall assist the Chair, or other presiding officer, as needed at any full Board or Executive Committee meeting.

## Article 4. Board Meetings

### Section 4.1 Regular Meetings

- a) There shall be at least one regular monthly meeting of the Board per month, except in August, at such time and place as designated by the Chair in the notice of the meeting sent to the Board Members and posted online as hereinafter provided. A package of all Committee reports and all official correspondence sent out on Board letterhead shall be available online prior to the start of a regular Board meeting.

### Section 4.2 Special Meetings

- a) A Special Meeting shall be a full Board meeting other than the regular monthly meeting for which at least five business days' written notice has been provided to both Board Members and the public; such notice shall specify the purpose of the meeting and shall include an agenda for such meeting.
- b) A Special Meeting shall be called by the Chair (1) at the Chair's own volition, (2) at the Borough President's request, (3) upon

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resolution adopted by the Board, or (4) upon written notice signed by at least one-third of the Board Members and presented to the Chair.

- c) A Special Meeting shall be governed by the same procedures as a regular Board meeting.

### Section 4.3 Emergency Meetings

- a) An Emergency Meeting shall be a meeting conducted in the manner of a Special Meeting, but in circumstances where time is of the essence and decisions are required immediately; notice for an Emergency Meeting may be made by telephone and/or email. Where five business days' written notice cannot be given, no less than 36 hours' notice must be provided.

### Section 4.4 State of Emergency

- a) A meeting may be held virtually when a state of emergency has been declared by the governor and/or the mayor, or the Chair determines that an emergency situation exists.

### Section 4.5 Agenda

- a) An agenda shall be drafted by the Chair with the assistance of the Executive Committee and District Manager and posted online at least three days before each regular Board meeting; posting of the agenda shall include notice of the time and place of the meeting. The agenda should outline the Chair's suggestion of business to be transacted at the meeting. During a Board meeting it is not necessary that the elements of the agenda, as stated below, are addressed in the order listed, except that the Public Session shall always precede the Business Session unless the Board votes otherwise. The agenda may also include additional elements, as authorized by the Chair.

1. Opening of meeting
2. Adoption of agenda
3. A public session (at every regular Board meeting), in two parts: first, to allow speakers to address any matter not on the agenda that is of general interest to the community and the Board; second, to allow speakers to address any item on the agenda. In the interest of affording the maximum opportunity to all persons to be heard, each speaker shall be limited to a period of no more than two minutes unless otherwise permitted by the Chair.
4. Borough President's Report

5. Reports from other public officials.
6. A business session embracing all items on the agenda listed below (“Business Session”). During the Business Session only members of the Board may debate items on the agenda, and the issues related thereto, and vote on such issues. The public is invited to be present as observers of the Board’s proceedings except during an executive session. A person in attendance who is not a Board member, upon request of the Chair, may respond to questions during the Business Session.
  - a. Adoption of the Minutes
  - b. Chair’s Report
  - c. District Manager’s Report
  - d. Committee Reports and Resolutions
  - e. Old Business (unfinished items from previous meetings)
  - f. New Business (matters added to the agenda after its publication online or during the meeting)
  - g. Adjournment

Section 4.6 The Board’s minutes must include a record of the votes of each of its Members on every dispositive vote taken by the Board.

Section 4.7 Virtual/Hybrid Meetings

- a) To the extent permitted by Article 7 of New York State’s Public Officers Law (NY Pub. Off. Law §§ 100 et. seq.; the “Open Meetings Law”) and as approved by the Board, Board and Committee meetings may be conducted using videoconferencing technology. The Chair, in consultation with the Executive Committee, shall develop protocols for conducting all meetings that include a virtual component.
- b) The decision to utilize the hybrid meeting format shall take into account the feasibility, economic or otherwise, of acquiring and maintaining the technology needed to conduct such meetings in compliance with the Open Meetings Law and any other legal requirements.

## **Article 5. Rules of Order**

Section 5.1 All meetings of the Board shall be conducted in accordance with Robert’s Rules of Order (“Rules of Order”), except that in accordance

## EXHIBIT A

with the City Charter all actions shall be decided by a majority of the quorum present, a quorum being a majority of the appointed members of the Board. As required by the Open Meetings Law, only those Members physically present can be counted towards the quorum for any meeting employing videoconferencing technology. Any member who recuses themselves from a vote is not a voting Member for the matter and shall not be counted for the purpose of determining a majority.

- Section 5.2 No proxies shall be permitted. All voting in Board meetings and committee meetings shall be in person only. "In person" votes shall include votes cast by Members participating using videoconferencing technology during a virtual or hybrid meeting.
- Section 5.3 All Members shall be entitled to a reasonable opportunity to address the Board on any matter before it or on any matter pertaining to its mission.
- Section 5.4 All Members shall be entitled to participate in the deliberations of any committee meeting they attend, whether or not they have been assigned to the committee in question.
- Section 5.5 Members should refrain from prematurely ending debate before all points of view have been heard. To this end, discussion or debate cannot be ended until every Member wishing to speak on a specific matter has had the opportunity to do so.
- Section 5.6 Members at all times shall conduct themselves in a courteous, professional, and orderly manner. Disparaging or denigrating any person, whether on the basis of age, race, ethnicity, origin, religion, gender, sexual orientation, disability status, or any other aspect of personal identity is prohibited. The use of obscene, threatening or harassing language, or making slanderous remarks are likewise prohibited.
- Section 5.7 When speaking or debating, remarks should be addressed only to the substantive issue under consideration and in a tone compatible with reasonable discourse. Members shall avoid interrupting speakers, quibbling, using profanity, or engaging in any conduct or activity tending to distract the attention of the Board from the business before it or which otherwise may disrupt the proceedings of a meeting.
- Section 5.8 Speaking on cellular phones while meetings are in progress is prohibited, except in emergency situations, and all phones must be turned off or set not to ring at such times. The use of electronic devices, including recording devices, may be prohibited if used in a manner that causes an interruption or distraction. Any recordings

## EXHIBIT A

made during a meeting not subject to the Open Meetings Law are for internal Board use only and may not be shared with the public.

- Section 5.9 Members are expected to adhere to the Rules of Order: only speaking when recognized, and acknowledging the rulings of the chair or the presiding officer of the meeting. All remarks are to be addressed to the presiding chair or officer and never directly to another Member. The rulings of the chair or the presiding officer on matters of procedure are final. Members ruled to have violated the Rules of Order or any person deemed disruptive to the proceedings may be ejected.
- Section 5.10 The enforcement of the Rules of Order shall be the purview of the Chair, or their designee. During committee meetings, enforcement shall be the purview of the committee's chairperson or their designee. The New York City Police Department and building security may assist with the ejection of any individual from a Board meeting for violating these Rules of Order.
- Section 5.11 In accordance with the City Charter, all meetings of the Board and its committees are open to the public as observers, except when matters involving Board personnel, discipline or finances are considered.
- Section 5.12 Neither the Board nor any committee of the Board shall meet on any New York State-recognized Federal holiday. These holidays are: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, and Christmas Day.

## Article 6. Executive Committee

### Section 6.1 Composition

- a) The voting members of the Executive Committee shall be the Chair, First Vice Chair, Second Vice Chair, Secretary, Assistant Secretary, Treasurer, all Standing Committee chairs, and the most-recently serving prior Chair who remains a member of the Board. A majority of the voting members shall constitute a quorum of the Executive Committee. Voting members shall be limited to one vote per person.
- b) The non-voting members of the Executive Committee shall be the chairs of all ad-hoc committees, working groups, and task forces active at the time a meeting of the Executive Committee is held. All former Chairs, except for the one who is a voting member pursuant to Section 6.1(a), shall also be non-voting members of the Executive Committee.

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- c) When the chair of a Standing Committee is unable to attend, the vice chair of such committee may participate in their place as a voting member of the Executive Committee.

### Section 6.2 Responsibilities

- a) To assist the Chair in preparing the Board agenda and calendar and other matters.
- b) To bring forward any matter for action by the Board.
- c) To transact such business as necessary (taking into account the timeliness of such business), provided notice is given to all Members of the Board of the proposed meetings with an opportunity to attend and observe the action of the Executive Committee. Any such action shall be ratified by the Board membership at the next regular meeting of the Board. If any action taken by the Executive Committee on behalf of the Board is not ratified by the Board at its next regular meeting, there shall be no further implementation of the action and the Board shall withdraw the action.

## Article 7. Committees

Section 7.1 The Chair, in consultation with the Executive Committee, shall establish Standing Committees and such other ad hoc committees, working groups and task forces (collectively, “Committees”).

### Section 7.2 Committee Chairs

- a) Each Committee shall have a chairperson appointed by the Chair at their sole discretion and any Committee chairperson may be removed from such office by the Chair with or without cause. The Chair is encouraged to also appoint a vice chairperson for each Committee, but any appointment shall be made after consulting with each Committee’s chairperson.

### Section 7.3 Committee Membership

- a) Board Members shall be appointed to serve on Committees by the Chair at their sole discretion and any Member may be removed from a Committee by the Chair with or without cause. Subject to Article 1.e. of these Bylaws, in addition to their membership on any other Committees all Board Members are expected to serve two Standing Committees.

### Section 7.4 Public Committee Members

- a) After consultation with a Committee’s chairperson, the Chair may appoint non-Board members to serve as members of any

Committee (“Public Committee Members”), other than the Executive Committee and those committees that may from time to time include an executive session.

- b) The number of Public Committee Members on any Committee at all times shall be less than half the number of Board Members on such Committee.
- c) Prior to appointment, Public Committee Members shall complete the application process prescribed by the Board and once appointed shall serve one-year terms coinciding with the calendar year and shall be required to re-apply for Committee membership each year.
- d) Prior to their appointment, Public Committee Members shall agree in writing to be governed by the same rules and held to the same standards of conduct applicable to Board Members, including the rules set forth in NYC’s Conflicts of Interest Code and these Bylaws; they shall also be expected to disclose any relationships that reasonably may be seen as influencing their participation and voting as members of a Committee and shall be expected to recuse themselves when appropriate.
- e) Public Committee Members may be removed by the Chair at their sole discretion after consultation with the respective Committee chairperson.

Section 7.5 Committee Meetings

- a) Committee meetings shall be conducted in a manner consistent with these Bylaws and under the same procedures as Board meetings, and their agendas shall include, at a minimum: a public session, a business session, and calls for any old business and any new business. Committees may adopt additional rules and procedures, provided they are not in conflict with Board procedures and these Bylaws.
- b) All meetings shall be open to the public, except for any portion of a meeting identified as an executive session.
- c) Committee agendas and public hearings shall be scheduled to allow sufficient time for the Committee to recommend, and the Board to act upon any such recommendations and transmit them to the appropriate governmental bodies in keeping with these same governmental bodies’ calendars, or within the time frame established the City Charter or by the Uniform Land Use Review Procedures.
- d) There shall be a quorum only when a majority of the Board Members appointed to the Committee are present. “Present”



shall mean physically present or present through the use of videoconferencing technology, provided the latter is permitted under the terms of the Open Meetings Law or there is an emergency order or declaration in effect at the time allowing for virtual meetings.

- e) A Committee member may only vote on a matter when they have been present to hear the application or other presentation that is the subject of the vote.
- f) Any resolution that receives a majority vote of the Board Members assigned to such Committee shall be brought to the full Board for consideration as the committee's recommendation; the votes of public members shall not count towards the outcome.
- g) Committees shall keep attendance records and shall report the minutes of their meetings, including votes on all resolutions, to the Board, together with separate tallies of the votes of Board Members and Public Committee Members.

## **Article 8. Elections**

### **Section 8.1 Terms of Officers**

- a) Officers shall be elected to serve one-year terms with each term beginning April 1st and ending March 31st of the following year.
- b) To provide the greatest opportunity of service for each member of the Board, no Chair shall serve for more than two consecutive terms. In the event that the Chair leaves office before their term expires and the remainder of their 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.

### **Section 8.2 The Election Process**

- a) At its March regular meeting, the Board shall elect Members to the offices of Chair, First Vice Chair, Second Vice Chair, Secretary, Assistant Secretary, and Treasurer.
- b) At the January regular meeting of the Board, the Chair shall announce the opening of nominations for Board officers.
- c) Until one week prior to the February meeting, any Member may nominate themselves for election to one office. All such nominations shall be submitted in writing to the District Manager, who, at the end of the self-nomination period, shall

notify the Board of the nominees and the positions for which they are running. At the February meeting, the District Manager shall announce the nominations received to date.

- d) 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 themselves, for any position, except that no Member may be a nominee for 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.
- e) For any office for which there remains no nominee after all nominations from the floor have been accepted, the nominations shall remain open until one week prior to the March Board meeting; at the close of this period the District Manager shall notify the Board of any nominations that were received.
  - 1. 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.
- f) 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.
  - 1. Voting shall be by open written ballot; “written” ballots shall include ballots submitted electronically pursuant to Section 8.3 of this Article. 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").

- g) 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 Section 8.3(c), 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 8.3(f) of this Article.
  4. The process set forth in this Section 8.3(g) shall be repeated as necessary until all Board offices are filled.

Section 8.3 Electronic Voting

- a) To enable the Board to conduct elections when meetings are conducted virtually or include a virtual component, Members shall be permitted to cast ballots electronically. At the start of an election that will include the electronic casting of votes, a roll-call vote shall be taken; only those Members who have been counted as present shall be permitted to vote and shall receive a ballot which shall be sent to the 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 Section 8.3(f), voting will begin (“Voting Period”). The District Manager then shall request that Members submit their votes. All completed ballots shall be sent to the members of the Tally Committee, which shall tally the votes as they are received. One hour into the Voting Period, the District Manager shall notify the Board if any ballots have not yet been received, and if this is the case they then shall use reasonable efforts to contact those voting Members from whom ballots have not yet been received and shall offer them the option to have their votes submitted telephonically; a written record of all votes collected in this manner shall be submitted to the Tally Committee. After efforts have been made to contact all such Members, the Voting Period shall end and no ballots will be accepted thereafter. The Tally 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 8.3(c) 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

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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).

### Section 8.4 Hybrid voting

- a) To enable voting at a meeting at which Members participate both in person and virtually, the Chair shall select assistants for the District Manager and the Tally Committee from among the elected officials' representatives and the Committee chairpersons present. Those selected shall be assigned tasks on an as-needed basis as circumstances require.

### Section 8.5 Special Elections

- a) Notwithstanding anything in Article 3 of these Bylaws, in the event that an office becomes vacant with four or more months remaining in the term of office, an election shall be conducted to fill the position ("Special Election"). In the event that the office of Chair becomes vacant, the First Vice Chair shall immediately assume the role of chairperson ("Acting Chair") and shall serve as such until a Special Election has been conducted.

### Section 8.6 The Special Election Process

- a) At the first full Board meeting following announcement of the vacancy, the Chair or Acting Chair 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 Sections 8.2 and 8.3, 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 their nomination at this meeting prior to the commencement of the election.
- b) Candidate statements shall be handled in a manner consistent with the procedure described in Section 8.2, 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.

- c) At the next full Board meeting, an election shall be conducted in accordance with the provisions of Sections 8.2 and 8.3. The newly-elected officer shall assume office the day following such election.
- d) 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.
- e) Subsequent to conducting the Special Election for a new Chair and at the same meeting, the floor will be opened for nominations for the newly-vacant office in a manner consistent with Section 8.2. Nominations shall remain open for two weeks thereafter during which time Members may self-nominate and submit written statements.
- f) This second Special Election shall be conducted in a manner consistent with the provisions of Section 8.2.
- g) In the event that there are no nominees to fill a vacancy of the office of Chair, the Acting Chair shall assume the role of Chair for the remainder of the term and the provisions in Section 3.3 shall apply.

## **Article 9. District Manager**

Section 9.1 In accordance with the City Charter the District Manager shall serve at the pleasure of the Board.

Section 9.2 The duties of the District Manager are:

- a) Assist the Chair and committee chairpersons in carrying out their responsibilities.
- b) Administer the Board Office. Direct the complaint procedures; plan agendas and chair the District Service Cabinet meeting; oversee the Board operating budget expenditures and draft annual Board operating budgets; provide information and referrals to agencies, local institutions, groups and individuals; supervise processing of street and park permits, and other applications.

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- c) Guide the Board and its Committees through the various phases of participation in the City's budget process, and prepare necessary testimonies and other paperwork.
- d) Attend Board, community, and government body meetings when necessary.
- e) Oversee technical management of the Board's social media accounts.

### **Article 10. Notice**

Section 10.1 Email shall serve as an appropriate method of providing written notice to Board Members in accordance with these Bylaws, unless a Member expressly requests otherwise.

### **Article 11. Amendments**

Section 11.1 Amendment by Committee

- a) Pursuant to their authority under Article 3, the Chair may appoint Members to a bylaws committee (or working group) to review the Bylaws and develop recommendations for possible changes thereto; such meetings will be open to participation by all Board Members.
- b) Board Members shall receive for their review and comment any recommendations produced by the committee or working group no less than 15 days prior to the Board meeting at which the group expects to present its recommendations for a vote.
- c) After the review group presents its recommendations to the Board, the Board may approve the motion as made or as amended, approve a substitute motion, or take no action.

Section 11.2 Amendment by Motion

- a) During the new business segment of any meeting of the full Board, any Member may propose a motion to amend these Bylaws.
- b) Upon being seconded, the motion shall be tabled without discussion until the second subsequent full meeting of the Board.
- c) The Chair shall select Members for a bylaws review group which shall convene within 30 days of such motion at meetings open to participation by all Board members; the group shall review the

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proposed amendment to assure no conflict with the City Charter or other laws and consistency with other provisions of these Bylaws, and shall prepare a recommendation to the Board.

- d) When the original motion is taken off the table, the review group shall present a recommendation to the Board after which the Board may approve the motion as made or as amended, approve a substitute motion, take no action.
- e) A Member may request that the proposed motion be referred to a committee or working group as contemplated by Section 11.1 for further review.

Section 11.3 Notwithstanding any of the above, upon written request from the Borough President the Board may at any time act upon a motion made and seconded to amend these Bylaws.



Jeannine Kiely, *Chair*  
Susan Kent, *First Vice Chair*  
Valerie De La Rosa, *Second Vice Chair*



Antony Wong, *Treasurer*  
Eugene Yoo, *Secretary*  
Ritu Chatree, *Assistant Secretary*

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### **Unanimously Passed by C2 Exec, 11/15/22 Manhattan, Community Board 2 Resolution in Support of the 9/11 Responder and Survivor Health Funding Correction Act (H.R. 4965/S. 2683)**

#### **Whereas:**

1. With the impending estimated \$3 Billion budget shortfall<sup>1</sup> facing the World Trade Center Health Program starting in Fiscal Year 2025, U.S. Senators Kirsten Gillibrand (D-NY) and U.S. Senate Majority Leader Charles E. Schumer (D-NY), and U.S. Representatives Carolyn B. Maloney (D-NY-12), Jerrold Nadler (D-NY-10), and Andrew Garbarino (R-NY-2) introduced in August 2021, the bipartisan legislation, “9/11 Responder and Survivor Health Funding Correction Act” (HR.4965/S. 2683);
2. Its purpose is to ensure the adequate funding for the World Trade Center Health Program so that it can continue to provide medical and mental health treatment and monitoring to injured and ill 9/11 responders and survivors;
3. The World Trade Center Health Program was created by Congress in 2010 and was reauthorized in 2015 to remain open until 2090 after years of efforts by 9/11 responders and survivors to get Washington to recognize the health impacts of the toxins at Ground Zero that were impacting thousands (Community Board 2 has supported these efforts with a resolution in 2016.);
4. In coming years, the World Trade Center Health Program will not have enough funds to provide all the care that is needed for those still suffering the physical and mental health impacts of 9/11. This includes the responders and survivors who will be newly diagnosed in the coming years with 9/11-associated cancers caused by their toxic WTC exposures;
5. The World Trade Center Health Program (WTCHP) currently provides treatment and monitoring for over 118,000 9/11 responders and survivors from the World Trade Center site and Lower Manhattan, the Pentagon, and the Shanksville crash site, who live in every State and 434 out of 435 Congressional Districts;
6. If Congress does not take action this year, to deal with the impending budget shortfall, then starting on October 1, 2024, the World Trade Center Health Program will have to stop enrolling new members and start imposing additional cuts in services, including cancer care;
7. Among the approximately 360,000 World Trade Center survivors were more than 35,000 people who were children at the time of the 9/11 attacks and the aftermath who resided or

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<sup>1</sup> Internet Resource Accessed October 24, 2022. <https://maloney.house.gov/media-center/press-releases/rep-maloney-calls-on-speaker-pelosi-and-chairman-pallone-to-address-the>

attended school or daycare in the NYC disaster area, and were extremely vulnerable to harm from both toxic exposures and psychological trauma, and there are continuing reports of emerging health impacts to this population now that they are adults;

8. The program is not currently authorized to conduct research on this population in order to study the emerging impacts the WTC disaster has had on them; and,
9. The bill would also authorize the spending of funds by the World Trade Center Health Program to develop a cohort of (now) young adults so as to be able to study the impacts of the WTC toxins and the attacks on those exposed as children.

**Therefore Be It Resolved** Community Board 2 urges U.S. House Speaker Nancy Pelosi, Minority Leader Kevin McCarthy, U.S. Senate Majority Leader Charles Schumer and Minority Leader Mitch McConnell to include in the National Defense Authorization or the end of the year Omnibus bill the provisions of HR 4965, S.2683 that would provide the funding the World Trade Center Health Program needs and that authorizes the creation of a research cohort to better study the health impacts on the Lower Manhattan community.

DRAFT