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## Community Board No. 2, Manhattan

3 Washington Square Village

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

### FULL BOARD MINUTES

**DATE:** November 17, 2022  
**TIME:** 6:30 P.M.  
**PLACE:** Via Video Conference

**BOARD MEMBERS PRESENT:** Susanna Aaron, Natasha Avanesians, Akeela Azcuy, William Benesh, Keen Berger, Carter Booth, Katy Bordonaro, Anita Brandt, Amy Brenna, Ritu Chattree, Valerie De La Rosa, Robert Ely, Mar Fitzgerald, Stella Fitzgerald, Wayne Kawadler, Susan Kent, Ryder Kessler, Jeannine Kiely, Ivy Kwan Arce, Michael Levine, Edward Ma, Daniel Miller, Juan Osorio, Biran Pape, Donna Raftery, Lois, Rakoff, Bo Riccobono, Zachary Roberts, Rocio Sanz, Shirley Secunda, Frederica Sigel, Shirley Smith, Susan Wittenberg, Antony Wong, Cheryl Wu, Eugene Yoo, Adam Zeldin

**BOARD MEMBERS ABSENT WITH NOTIFICATION:** Chris Dignes, Patricia Laraia, Janet Liff, Mostafa Osman, Kristen Shea

**BOARD MEMBERS ABSENT:** Susan Gammie

**BOARD MEMBERS PRESENT/ARRIVED LATE:** Rich Caccappolo, John Paul Deverna, Cormac Flynn, David Gruber, Matthew Metzger, Robin Rothstein, Chenault Spence

**BOARD MEMBERS PRESENT/LEFT EARLY:** None

**BOARD STAFF PRESENT:** Eva Mai, Community Assistant

**GUESTS:** Tevin Williams, Senator Brad Hoylman; Stacie Johnson, Senator Brian Kavanagh; Ling Jun Chen, Manhattan District Attorney Bragg; Andrew Chang, Minah White, Manhattan Borough President Mark Levine; Olivia Glen-Rayner, Congress Member Jerry Nadler; Theo Perez, Assembly Member Yuh-Line Niou; Roy Ruiz, Assembly Member Deborah Glick; Ian Wan, Council Member Christopher Marte; Bianny Rodriguez, Council Member Carlina Rivera; Nicole Barth, Council Member Erik Bottcher

### MEETING SUMMARY

Meeting Date – November 17, 2022  
Board Members Present – 44  
Board Members Absent with Notification – 5  
Board Members Absent - 1  
Board Members Present/Arrived Late - 7  
Board Members Present/Left Early – 0

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## **II. PUBLIC SESSION**

### **Traffic & Transportation**

Michael Markowitz, Jonathan Weizman - against resolution in response to proposed pedestrian, bicycle, and public space improvements on 10th Ave. btw. Gansevoort and Horatio Sts

### **Non-Agenda Items**

Maria Chelko - Eye Donation Month; eyedonation.org

Avery Arseno-Armstrong - Advocacy for NY State Senate Bill S4644C - Nutritional guidelines in state food purchasing

Kate Madigan - Public Theater Events

Darlene Lutz - Announcement/reminder of 1st Precinct Community Council meeting; Against 76 Barrick skyscraper planning

## **ADOPTION OF AGENDA**

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

Tevin Williams, Senator Brad Hoylman

Stacie Johnson, Senator Brian Kavanagh

Ling Jun Chen, Manhattan District Attorney Bragg

Andrew Change, Minah Whyte, Manhattan Borough President Mark Levine

Olivia Glen-Rayner, Congressman Jerry Nadler

Theo Perez, Assembly Member Yuh-Line Niou

Roy Ruiz, Assembly Member Deborah Glick  
Ian Wan, Council Member Christopher Marte  
Bianny Rodriguez, Council Member Carlina Rivera  
Nicole Barth, Council Member Erik Bottcher

#### **IV. ADOPTION OF MINUTES**

Adoption of October 2022 minutes.

#### **V. BUSINESS SESSION**

1. **Chair's Report** Jeannine Kiely reported.

#### **STANDING COMMITTEE REPORTS**

##### **COMMUNITY FACILITIES ADVISORY PANEL**

**Resolution: NYU should extend its 2012 Restrictive Declaration for the NYU rezoning comment period for at least 30 days for the 750 sq. ft. space that NYU committed to building for a community facility tenant**

**Whereas** the Restrictive Declaration (RD) requires not less than 30-day notices by a variety of methods for the comments period notice, the committee felt that both the public and board did not have clear and sufficient notification as described in the RD marketing plan, and

**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

**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

**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

**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.

**Therefore be it resolved** that NYU should extend the comment period for at least for 30 days, which is allowed under the RD, and

**Let it be further resolved** that CB2 requests that NYU prioritize the needs and interests of the CB2 community in selecting a tenant for this space as is appropriate for a community benefit, and

**Let it be further 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

**And be it finally 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.

**Vote:** Unanimous, 44 Board Members in favor.

**LANDMARKS AND PUBLIC AESTHETICS**

**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.

**Vote:** Unanimous, with 44 Board members in favor.

**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.**

Vote: Unanimous, with 44 Board members in favor.

**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.**

Vote: Unanimous, with 44 Board members in favor.

**QUALITY OF LIFE: STREET ACTIVITIES**

- 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.**

**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

**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

**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

**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

**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

**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

**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

**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

**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

**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

**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

**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

**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

**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

**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

**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

**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:** Unanimous, with 44 Board Members in favor.

### **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 curbside 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, 44 Board Members in favor.

### **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:** Unanimous, 44 Board Members in favor.

- 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, 44 Board Members in favor.

**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:** Passed, 43 Board Members in favor.

1 recusal (D. Raftery)

**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:** Passed, 43 Board Members in favor.

1 recusal (D. Raftery)

**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:** Unanimous, 44 Board Members in favor.

**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**, this event has been held continuously for many years and no recent complaints have been received; now

**Therefore Be It Resolved** that CB2 Manhattan recommends **approval** of this renewal application **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, 44 Board Members in favor.

**SLA LICENSING**

**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, 44 Board Members in favor.

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 12<sup>th</sup> 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:** Unanimous, 44 Board Members in favor.

**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, 44 Board Members in favor.

**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, 44 Board Members in favor.

**5. W, LLC d/b/a The Wooly, 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 Woolly, 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:** Passed, 43 Board members in favor.

Recusal: 1 (R. Ely)

**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, 44 Board Members in favor

**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:** Unanimous, 44 Board Members in favor.

**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, 44 Board Members 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, 44 Board Members 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, 44 Board Members 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, 44 Board Members 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, 44 Board Members 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, 44 Board Members 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, 44 Board Members 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, 44 Board Members 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, 44 Board Members 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, 44 Board Members 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, 44 Board Members in favor.

**19. 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 d.j., 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, 44 Board Members in favor.

**20. 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, 44 Board Members in favor.

**21. 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, 44 Board Members in favor.

**22. 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, 44 Board Members in favor.

**23. 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, 44 Board Members in favor.

**24. 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, 44 Board Members in favor.

**25. 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, 44 Board Members in favor.

**26. 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 12<sup>th</sup> and Bank 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, 44 Board Members in favor.

**27. 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:** Passed, 43 Board Members in favor.

Recusal: 1 (R. Sanz)

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

**29. 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, 44 Board Members in favor.

**30. 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, 44 Board Members in favor.

**31. 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, 44 Board Members in favor.

**32. 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, 44 Board Members in favor.

**33. 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, 44 Board Members in favor.

**34. 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, 44 Board Members in favor.

**35. 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, 44 Board Members in favor.

## **TRAFFIC AND TRANSPORTATION**

### **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 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**, the majority of 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

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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 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.

**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 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, with 44 Board Members in favor.

## **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>3</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

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<sup>3</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.

**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;

**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

**Vote:** Unanimous, with 44 Board Members in favor.

Respectfully submitted,

Ritu Chattree, Vice Secretary  
Community Board #2, Manhattan