

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



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

COMMUNITY BOARD No. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

www.cb2manhattan.org

P: 212-979-2272 F: 212-254-5102 E: info@cb2manhattan.org

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

FULL BOARD MEETING AGENDA

DATE: Thursday, January 19, 2023
TIME: 6:30 PM
PLACE: Via Video-Conference (with an in-person option in the CB2 conference room)

I. ATTENDANCE

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

III. ADOPTION OF AGENDA

IV. REPORTS TO THE PUBLIC

- | | |
|-------------------------------|----------------|
| 1. Elected Officials' Reports | |
| 2. Borough President's Report | Andrew Chang |
| 3. Chair's Report | Jeannine Kiely |
| 4. District Manager's Report | Mark Diller |
| 5. Treasurer's Report | Antony Wong |

BUSINESS SESSION

V. APPROVAL OF THE NOVEMBER MINUTES

VI. STANDING COMMITTEE REPORTS AND OTHER BUSINESS

- | | |
|-----------------------------|--------------------------|
| 1. Traffic & Transportation | Shirley Secunda |
| 2. SLA Licensing | Robert Ely/Donna Raftery |
| 3. Landmarks | Chenault Spence |
| 4. Cannabis Licensing | Mar Fitzgerald |
| 5. Quality of Life | William Benesh |

VII. NEW BUSINESS

VIII. ADJOURNMENT

DRAFT

February 2023

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|----------------------|----------------------------------------------------------------|----------------------------------------|--------------------------------------------------------------|----------------------------------------------|-----------|-----------|
| | | | 1 TRAFFIC & TRANSPORTATION | 2 BYLAWS | 3 | 4 |
| 5 | 6 QUALITY OF LIFE SCHOOLS & EDUCATION | 7 SLA LICENSING 1 | 8 LAND USE | 9 LANDMARKS SLA LICENSING 2 | 10 | 11 |
| 12 Super Bowl | 13 CANNABIS LICENSING LANDMARKS 2 (if needed) | 14 Valentine's Day EXECUTIVE | 15 EQUITY, RACE & JUSTICE | 16 FULL BOARD | 17 | 18 |
| 19 | 20 Washington's Birthday | 21 HUMAN SERVICES | 22 Ash Wednesday ECONOMIC DEV. & SMALL BUSINESS | 23 ARTS & INSTITUTIONS | 24 | 25 |
| 26 | 27 | 28 | To Schedule: PARKS/WATERFRONT | | | |

Jeannine Kiely, Chair
 Susan Kent, First Vice Chair
 Valerie De La Rosa, Second Vice Chair
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Treasurer Report - Jan 2023
Fiscal Year: July 1, 2022 to June 30, 2023

| | Fiscal Yr Projection | | Current | |
|--------------------------------------------------|-----------------------------|------------------|----------------|-------------------|
| Accounts | | | | |
| Street Fair Funds - Beginning July 1, 2022 | \$ | 62,420.00 | \$ | 62,420.00 |
| Revenues | | | | |
| City Funds | \$ | 256,825.00 | \$ | 256,825.00 |
| Discretionary Funds - CM Marte | \$ | 6,000.00 | \$ | 6,000.00 |
| Street Fair Funds - FY23 | \$ | 2,813.00 | \$ | - |
| | \$ | 328,058.00 | \$ | 325,245.00 |
| Expenses | | | | |
| <i>Personnel Services (PS)</i> | | | | |
| Staff | \$ | (247,484.00) | \$ | (19,685.85) |
| <i>Other Than Personnel Services (OTPS)</i> | | | | |
| Equipment & Software / Copy Machine ⁴ | \$ | (5,000.00) | \$ | (1,537.45) |
| Postage | \$ | (300.00) | \$ | - |
| Professional Services | \$ | (4,000.00) | \$ | (3,108.68) |
| Space Rental | \$ | (500.00) | \$ | - |
| Subscriptions (E-newsletter/Job Postings) | \$ | (800.00) | \$ | (4,723.64) |
| Supplies | \$ | (1,500.00) | \$ | (106.70) |
| Telephone Services | \$ | (2,926.00) | \$ | - |
| | \$ | (262,510.00) | \$ | (29,162.32) |
| Balance | \$ | 65,548.00 | \$ | 296,082.68 |

Revised: Jan 19, 2023

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TRAFFIC AND TRANSPORTATION COMMITTEE

January 2023

The Traffic and Transportation Committee of Community Board #2, Manhattan held its monthly meeting on Wednesday, January 4, 2023, at 6:30 p.m. via Video Conference.

Board Members Present: Shirley Secunda (Chair), Natasha Avanesians, Janet Liff, Antony Wong, Adam Zeldin.

Board Members Absent with notification: Amy Brenna, Daniel Miller (Vice Chair), Lois Rakoff.

Board Members Absent:

Public Members Present: Joseph Flahaven, George Haikalis.

Public Members Absent with notification:

Public Members Absent:

Other Board Members Present: Carter Booth, Donna Raftery, Michael Levine, Eva Mai (CB2 Community Assistant).

Guests: Nicole Barth (Council Member Bottcher); Christopher Lee, Enrique Ramirez, Ryan Laub, Ka Kei (Tony) Chan, Hersh Parekh & Michael Lavery (PANYNJ); Corey Kunz & Sean Lewin (Hudson Sq. BID); Jeffrey Rowland, Darlene Lutz (1st Pct Comm Council), Philip Mouquinho, Jon Stein, Tashia Lerebours (CIDNY).

RESOLUTIONS:

1. Resolution in response to presentation by the Port Authority NY NJ on plan to switch nighttime closures at the Holland Tunnel from the South tube (inbound) to the North Tube (outbound) (as part of the Hurricane Sandy repair project) early in 2023.

Whereas the Port Authority of New York and New Jersey (PANYNJ) presented their plan for Phase 2 Hurricane Sandy repairs and flood mitigation to occur at the Holland Tunnel's north tube (NY to NJ) beginning 01/05/2023, completion expected end of the 3rd quarter 2025, along with an update on Phase 1 work (occurring from 2020 to the present at the Tunnel's south tube (NJ to NY), completion expected 02/03/2023). The presentation showed that the north tube will be closed for repair work (like the south tube in Phase 1 was) Sunday through Thursday 11 pm - 5:30 am, Friday 11:59 pm - 9 am (no closures Saturday and all work suspended during major traffic holidays). Further details are in the attached report, including types of repairs, plans for mitigation and outreach; and

Whereas both Community Board 2 Manhattan's (CB2) Traffic and Transportation Committee and public attendees were pleased that the PANYNJ is doing this very necessary and extensive repair work and flood mitigation, but some were concerned about potential impacts arising with traffic disruption from the north tube closure, especially nighttime noise disturbances and dangerous vehicular conflicts; and

Whereas some suggested that, in addition to the several mitigation measures that PANYNJ is intending to pursue, perhaps PATH fares could be waived during closure to encourage the system's use in place of driving alternative routes in the absence of the Tunnel's north tube access; and

Whereas although CB2 welcomes PANYNJ's plan to work with the NYC DOT and NYPD to have Traffic Enforcement Agents (TEAs) stationed on Canal St. at the intersections of Varick St., Hudson St. and Route 9A to familiarize people with the closing and diversion routes and help them through the intersections, it was noted that the Broome-Watts St. approach to the Holland Tunnel needs TEA coverage as well, with speeding traffic coming at night from the Williamsburg Bridge that in its rush will get to 6th Ave. or Varick St. and lacking information won't know where to go, causing confusion, backups and general traffic disruption; and

Whereas CB2 recognizes that PANYNJ's representatives indicated that they'd have their traffic engineering department examine the Broome-Watts corridor and consider its inclusion for TEA coverage, and that they would encourage using the PATH system as a useful alternative to driving although they weren't sure that the fare could be waived;

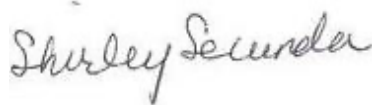
Therefore be it resolved that CB2 thanks PANYNJ for their very clear and informative presentation, their continued dedication working to repair the Hurricane Sandy damages to the Holland Tunnel and to mitigate the negative effects of this work, as well as for their responsiveness to CB2's input; and

Be it further resolved that CB2 urges PANYNJ to work with the NYC DOT and NYPD to station TEAs on Broome St. at Broadway to provide advance notice of the Tunnel closing and advice on alternative route options at this key location as well as to work with these agencies to place signage on Broome at Lafayette St. for the same purpose; and

Be it finally resolved that CB2 asks PANYNJ to consider eliminating PATH fares during the time the north tube of the Holland Tunnel is closed for repairs of Hurricane Sandy damages, starting earlier than the 11:00/11:59 pm north tube closing times and ending a little later than the 5:30 am north tube Sunday through Thursday opening time, i.e. waiving PATH fares 7 pm - 6am Sunday through Thursday and 7 pm - 9 am Friday (giving more leeway to users), in order to encourage using PATH in preference to driving on alternative routes while the Tunnel is closed.

Vote: Unanimous.

Respectfully submitted,



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

**PORT AUTHORITY NY NJ UPDATE ON HOLLAND TUNNEL
HURRICANE SANDY REPAIRS AND FLOOD MITIGATION PROGRAM
Presentation to Community Board #2 Manhattan
Traffic and Transportation Committee
January 4, 2023**

The Port Authority of New York and New Jersey (PANYNJ) presented their plan for Phase 2 Hurricane Sandy repairs and flood mitigation at the Holland Tunnel as well as an update on Phase 1 work. Damage from water and salt residue resulting from the 2012 storm's influx of 30 million gallons of brackish water flooding both tubes throughout the Tunnel has necessitated extensive repairs to mechanical, electrical and plumbing systems as well as to architectural, structural and civil elements.

Phase 1, which has entailed the full closure of the Tunnel's NY-bound (from NJ) south tube Sunday through Thursday 11 pm - 5:30 am, Friday 11:59 pm - 9 am (no closures Saturday) since the second quarter of 2020, is expected to be completed by February 3, 2023. In addition to the wide-ranging system repairs inside the tunnel, including tile replacement, flood mitigation outside the tunnel at Hudson and Canal Sts. was completed for the ventilation buildings.

Phase 2 is scheduled to begin on February 5, 2023 when the Tunnel's NJ-bound (from NY) north tube will be closed (like the south tube in Phase 1 was) Sunday through Thursday 11 pm - 5:30 am, Friday 11:59 pm - 9 am (no closures Saturday), and the same types of wide-ranging system repairs will be made inside the tunnel's north tube while flood mitigation outside will include protection at the Dominic St. portal. All work will be suspended during major traffic holidays. Phase 2 is expected to be completed towards the end of the third quarter of 2025.

Based on traffic modeling for the whole region, to mitigate potential traffic disruption impacts from the closure, detours were determined that would go primarily to the Lincoln Tunnel, with some to the Verrazzano Narrows and George Washington Bridges and others to Staten Island. PANYNJ is working with the NYC DOT and NYPD to have Traffic Enforcement Agents (TEAs) stationed on Canal St. at the intersections of Varick and Hudson Sts. and at Route 9A to familiarize people with the closing and diversion routes and help them through the intersections. PANYNJ will be monitoring conditions throughout the project and adjusting accordingly.

To get out the message that the Holland Tunnel north tube will be closed the scheduled six nights and times each week, PANYNJ will be doing extensive outreach. They will be coordinating regionally working with their transportation partners on both sides of the Hudson River, including NYC DOT, NYS DOT, NJ Turnpike Authority and NJDOT. They also will be accessing multiple outlets to reach out to the public to inform them of the new traffic pattern, including through Radio ads beginning on January 13, 2023, Google Maps, Waze, Apple Maps, Uber, Lyft and the like, Port Authority Alerts, VMS signs (variable message signs) in both New Jersey and New York, 511NY, 511NJ, and 311NYC. A series of meetings have been scheduled with regional partners and communities (similar to this meeting with CB2) as the switch to the north tube gets closer.

Both the Traffic and Transportation Committee and public attendees were pleased that the PANYNJ is doing this very necessary and extensive repair work and flood mitigation, but some

were concerned about the potential impacts arising from traffic disruption because of the closure, especially nighttime noise disturbances and dangerous vehicular conflicts. One committee member asked if PATH fare could be waived during closure times to encourage the system's use during the Tunnel's north tube closing instead of using alternative driving options. A community member pointed out other areas that need TEAs to be stationed, such as on the Broome-Watts St. approach to the Tunnel, to inform drivers there of the changes and direct them to the alternative routes that they could use.

The PANYNJ representatives agreed that the PATH system might be a useful alternative and that they could encourage people through their alert system to use PATH instead of driving on alternate (possibly congested) routes. Concerning the possibility of waiving the fare, they said they'd ask about that but weren't sure what the response would be. It was recognized that PATH service during evening hours is limited. PATH schedules show that the 9th St. and 23rd St. stations are closed daily from 11:59 pm - 5 am for maintenance-related activity. The Christopher St., 14th St., or 33rd St. stations are open for nighttime use.

The PANYNJ representatives also indicated that they would have their traffic engineering department definitely look at the Broome-Watts location. They gave assurances that the plan is not yet totally final, so this location could be considered.

Christopher Lee, PANYNJ Senior External Relations Manager, provided his contact information on the Chat in case CB2 and/or others want to report conditions and any problems that arise, He gave both his email and mobile number, so that he could be emailed or texted directly: Cmlee@panynj.gov/201-240-2772.

The PANYNJ team emphasized that the goal is to make sure people know about the evening closures ahead of time, so that they're not traveling to the tunnel only to find out that it's closed and then having to find a detour instead of being able to ascertain in advance a more direct route to take that will get them to their destinations in the best way possible, in this way guiding drivers so that they avoid local streets before they would even reach them.

The following PANYNJ representatives presented the Phase 2 plan for Hurricane Sandy repairs and flood mitigation at the Holland Tunnel and the update on Phase 1 work to CB2:

Christopher Lee: Senior External Relations Manager

Enrique Ramirez: General Manager, Holland Tunnel

Ryan Laub: PANYNJ Traffic Engineering

Tony Chan: Project Manager – Tunnels, Bridges and Terminals Department

Hersh Parekh - Director, Government and Community Relations - NY



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SLA LICENSING COMMITTEE 1

The SLA Licensing Committee #1 of Community Board 2, Manhattan, held a meeting at 6:30PM on Tuesday, January 3, 2023 via Video Conference.

Committee Board Members Present: D. Raftery (Co-Chair), R. Ely (Co-Chair), C. Booth, P. Laraia L. Rakoff, Dr. S. Smith, S. Wittenberg and A. Wong
Committee Board Members Absent with Notice: C. Flynn,
Other Board Members Present: B. Pape, J. Kiely

RESOLUTIONS:

1. **Jemikos GFF Inc. d/b/a Senza Gluten Café Baking, 17 Sullivan St. 10012** (Existing TW–Tavern, Corporate Change/Change in Method of Operation)
 - 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 Corporate Change and a Change in Method of Operation to its Tavern Wine liquor license (SN#1313987) to continue to operate a gluten-free café and bakery on the ground floor of a R7-2 zoned, five (5)-story tenement building (c. 1903) on Sullivan Street between West Houston and Bleecker Streets (Block #525/Lot #1), the building falling within NYC LPC’s designated South Village Historic District; and
 - ii. **Whereas**, when the Licensee’s current liquor license was granted at the NYSLA in 2019, signed stipulations were attached to the license that prohibited the service of alcohol to any exterior areas; and
 - iii. **Whereas**, in light of the previous restrictions imposed on their license, the Licensee is seeking a change in method of operation to add service to the exterior roadbed in front of and extending past the licensed premise which initially commenced in response to the Covid-19 Pandemic and NYC’s temporary program that allowed for such use of the roadbed; and
 - iv. **Whereas**, one of the existing owners is buying all the shares of the corporation that holds the liquor license from another existing owner, the method of operation as a gluten-free café and bakery remaining the same albeit the addition of roadbed dining; and

- v. **Whereas**, the storefront premises is approximately 900 sq. ft. on the ground floor connected by both an interior and exterior stairway to an additional 400 sq. ft. in the basement, there is no patron use of the basement; there is a Letter of No Objection permitting eating and drinking on the ground floor; the premises has four (4) tables and eight (8) seats and one (1) bar with seven (7) seats for a total interior seated occupancy of 15 persons; the premises has one (1) door which serves as patron ingress and egress and one (1) bathroom; the store front infill being fixed without operable doors or windows that open out to the sidewalk; and
- vi. **Whereas**, the hours of operation will remain from 8:00 AM to 11:00 PM Sundays through Thursdays and 8:00 AM to 12:00 AM Fridays and Saturday; music will be quiet background only consisting of music from iPod/CDs; no TVs; there is no sidewalk café; there will be no dancing, no DJs, no live music, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and
- vii. **Whereas**, concerns were raised regarding the structure built by the Licensee during the Covid-19 pandemic in that Sullivan Street is very narrow with sheds placed on both sides of the street crowding roadway passage, in addition to the sheds being built in a single row not allowing for trash pickup in the neighborhood or street cleaning and a lack of access between sidewalk and roadway, the Licensee's shed in particular extending south past the licensed premises blocking the adjacent residential entryway and part of the next door business, the width of the licensed premises too narrow to accommodate both a roadbed structure and an area to allow for trash pickup and roadway access; and
- viii. **Whereas**, the Licensee agreeing to remove the roadbed structure to allow for trash pickup and roadway access and not file for a change in method of operation for the service of alcohol in the outdoor area; and
- ix. **Whereas**, the Applicant and Licensee has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan that they 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 a gluten free bakery and café with the kitchen open and full menu items available until closing every night.
 2. The hours of operation will be from 8:00 AM to 11:00 PM Sundays through Thursdays and 8:00 AM to 12:00 AM Fridays and Saturday. 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 for commercial purposes including any sidewalk café and/or roadbed seating operating under the Open Restaurants program.
 5. Roadbed structure will be removed by February 21, 2023.
 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 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. 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 any French doors, operable windows or open facades in addition to the existing operable windows in the southern part of the storefront 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 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, velvet ropes or barricades, or doormen/security personnel.
17. Will appear before CB2, Manhattan 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 change in method of operation and for a Corporate Change to the Tavern Wine license in the name of **Jemikos GFF Inc. d/b/a Senza Gluten Café Baking, 17 Sullivan St. 10012, 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 Tavern Wine License.

Vote: Unanimous in favor (8–0)

2. **Half Pint on Thompson LLC d/b/a The Half Pint, 234 Thompson Street aka 76 West 3rd South 10012** (Existing OP–Tavern, Corporate Change)
 - i. **Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing #1 via video conference to present an application to the NYS Liquor Authority for a Corporate Change to its On-Premises Tavern liquor license (SN#1190346) to continue to operate a tavern on the ground floor of a R7-2, C1-5-zoned, six (6)-story mixed-use building (c. 1903) on the southeast corner of Thompson Street between West 3rd and Bleecker Streets (Block #537/Lot #13) the building falling within NYC LPC’s designated South Village Historic District; and
 - ii. **Whereas**, the ground floor storefront premises is approximately 1,200 sq. ft.; there are approximately 20 tables and 84 seats with two (2) bars with 16 seats for a total seated occupancy of 100 seats and maximum legal capacity of 117 persons; the premises has one (1)

door which will serve as the main entry for patron ingress and egress and an additional door for ADA access and emergency exit; and

- iii. **Whereas**, the Applicant has been in operation at the premises since the license originated in 2007, the Corporate Change is due to the death of one of the principals on the license, the Applicant buying out the other remaining partner so as to have 100% ownership of the establishment; the method of operation remaining the same; and
- iv. **Whereas**, the Applicant stating the hours of operation are from 12:00 PM to 2:00 AM during the week and 4:00 AM on Fridays and Saturdays; there is a sidewalk café which has existed since approximately 2008, the sidewalk café being somewhat unusual at the time due to the narrow sidewalk, the old DCA sidewalk café rules limiting the width of the tables to approximately 12" to allow for the then-required 3' service aisle and additional pedestrian clearance; stipulations were imposed on the liquor license that all windows will close by 10:00 PM and the sidewalk café will close by 11:00 PM; music is background only; there is no dancing, DJs, live music, promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; 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 Tavern Liquor License, with those stipulations as follows:
 - 1. Premises will be advertised and operated as a tavern with the kitchen open and full menu items available until closing every night.
 - 2. The hours of operation will be 12:00 PM to 2:00 AM Sundays through Thursdays and 12:00 PM to 4:00 AM Fridays and Saturdays. No patrons will remain after stated closing time.
 - 3. Will not operate as a Lounge 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 certified sidewalk café and roadbed seating operating under the temporary Open Restaurants program. Sidewalk seating is located immediately adjacent to the storefront leaving a minimum clearance of 8' to the curbside for pedestrian passage with no more than 9 tables and 18 patron seats on the sidewalk. Roadbed seating is located on both West 3rd and Thompson Streets.
 - 5. Sidewalk café and roadbed seating will close no later than 11 PM. All tables and chairs will be removed from sidewalk at this hour and roadbed seating will be secured. No exterior music, speakers or TVs.
 - 6. Will play quiet ambient recorded background music only.
 - 7. Will close all doors and windows at 10PM every night, allowing only for patron ingress and egress.
 - 8. 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.
 - 9. Will appear before CB2, Manhattan prior to submitting changes to any stipulation agreed to herein.

10. 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 Corporate Change application to the existing On-Premises Tavern Liquor License in the name of **Half Pint on Thompson LLC d/b/a The Half Pint, 234 Thompson Street aka 76 West 3rd South 10012** **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 Tavern Liquor License.

Vote: Unanimous in favor (8–0)

3. **Aime Leon Dore Soho LLC, d/b/a Aime Leon Dore, 214 Mulberry St. 10012** (new TW–Tavern/Café)
 - i. **Whereas**, the Applicant’s Store Manager 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 a café and wine bar on the ground floor of a C6-2-zoned, six (6)-story mixed-use building (c. 1900) on Mulberry Street between Spring and Prince Streets (Block #494/Lot #7502), the building falling within the designated Special Little Italy District; and
 - ii. **Whereas**, the ground floor premises is approximately 3,076 sq. ft. consisting of 2,051 sq. ft. on the ground floor and 1,025 sq. ft. in the basement, the two floors connected by an interior stairway, there is no patron use of the basement; there will be 12 tables and 32 seats and one (1) bar with four (4) seats for a total seated patron occupancy of 36 persons; the premises has two (2) doors which will serve as patron ingress and egress, one (1) additional door serving as an emergency exit and one (1) bathroom; the store front infill being fixed without operable doors or windows that open out to the sidewalk; and
 - iii. **Whereas**, the hours of operation will be from 9:00 AM to 11:00 PM Sundays through Thursdays and 9:00 AM to 12:00 AM Fridays and Saturdays, there may be invitation-only events for the Aime Leon Dore brand when the café may stay open until 1:00 AM not to exceed 15x/year; music will be quiet recorded background only inclusive of any events; there will be no televisions, no DJ’s, no promoted events, no live music or scheduled performances, no cover fees, no velvet ropes or movable barriers and no security personnel; and
 - iv. **Whereas**, the premises to be licensed was occupied by Mika Food LLC d/b/a Balaboosta with an On-Premises liquor license (SN#1261654) from approximately 2012–2018 and since then by the Applicant as a clothing store and coffee shop without a liquor license; the premises currently undergoing renovation for the café with the clothing store part of the business moving next door; and
 - v. **Whereas**, the instant application was originally heard December/2022 by CB2, Man., SLA Committee at which time the Applicant failed to appear but was represented by the manager of the proposed café and their attorney, the manager being hired in July/2022; concerns being

raised both by the Committee and local residents regarding the method of operation of the store/coffee shop prior to closing for renovations, that method included large outdoor speakers playing loud music, curbside city trees being removed and replaced with large benches/planter boxes at the north and south ends of the storefront premises with ropes and stanchions running perpendicular to the store mid-sidewalk to street at farthest end of each planter preventing pedestrian passageway on the curbside of the sidewalk, with a sidewalk café operating adjacent to the premises thereby further narrowing the sidewalk for pedestrians; planters being placed the length of the store in the curbside parking lane blocking curbside access to the premises; the Applicant being a principal and holding a liquor license in another establishment in Manhattan (Pineapple Club LLC, SN#1321228) and therefore should have been aware of the rules governing outdoor speakers and sidewalk usage; based on the recent history, additional concerns were raised regarding closing hours of midnight and 1:00 AM for a café with a limited menu, there being 51 active licenses within 500' of the premises, and the manager detailing the need to host parties for their brand in the café; and

- vi. **Whereas**, the manager stating that since he was hired those issues had been corrected, albeit the premises is currently under construction, the Committee expressing the desire to here from the Applicant who will be the responsible party holding the license to address the issues raised, the manager and their attorney requesting to lay over the application so that the Applicant could attend; and
- vii. **Whereas**, at this month's meeting the Applicant had a last minute conflict and could not attend, the manager once again attending with their attorney, making certain clarifications regarding the instant application in relation to the private parties stating that they would be invitation-only with a pre-arranged guest list and will be exclusively for their brand; the hours of operation were reduced to 11:00 PM Sundays through Thursdays and 12:00 PM Fridays and Saturdays with an exception that a maximum of 15 private parties/year could end at 1:00 AM with music remaining at background levels at all times; the manager also agreeing that there would be no seating or speakers on the outside of the premises; and
- viii. **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 a café with the kitchen open and full menu items available until closing every night.
 - 2. The hours of operation will be 9:00 AM to 11:00 PM Sundays through Thursdays and 9:00 AM to 12:00 AM Fridays through Saturdays with an exception that private parties may end at 1:00 AM not more than 15x/year. 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 for commercial purposes including any sidewalk café and/or roadbed seating operating under the Open Restaurants program.

5. All events will be invitation-only with a pre-arranged guest list and will be exclusively for the Aimé Leon Dore brand.
6. Will play quiet ambient recorded background music only, inclusive of any private parties or events so as not to cause a disturbance in any adjacent residences at any time. No exterior music, speakers or TVs.
7. Will not have televisions.
8. Will close all doors and windows at all times, 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 install or have French doors, operable windows or open façades.
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. No magnums.
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 doorman or 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 Tavern Wine License in the name of **Aime Leon Dore Soho LLC, d/b/a Aime Leon Dore, 214 Mulberry 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 Tavern Wine License.

Vote: Unanimous in favor (8–0)

4. **Juicerie Nolita, LLC, d/b/a The Butcher’s Daughter, 19 Kenmare St. East Unit 10012 (OP–Restaurant)**
 - 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 On-Premises License to operate a plant-based full-service restaurant on the ground floor of a C6-1-zoned, six (6)-story mixed-use building (c. 1900) on Kenmare Street between Elizabeth Street and the Bowery (Block #478/Lot #12) also known as 164 Elizabeth Street, the building falling within the designated Special Little Italy District; and
 - ii. **Whereas**, the ground floor premises is approximately 1,464 sq. ft. consisting of 840 sq. ft. on the ground floor and 624 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 20 tables and 46 seats and one (1) bar with 14 seats for a total of 60 patron seats; the premises has one (1) door for patron entry, two (2) doors for patron egress and four (4) bathrooms, there being an ADA compliant bathroom on the ground floor; and

- iii. **Whereas**, the hours of operation will be from 8:00 AM to 10:00 PM Sundays through Thursdays and 8:00 AM to 11:00 PM Fridays and Saturdays; there will be a sidewalk café operating under the temporary Open Restaurants program with no more than 20 tables and 40 seats, the Applicant agreeing to arrange the tables to conform to the previously DCA-approved Travertine LLC sidewalk café at this location with no speakers outside; interior music will be quiet background only consisting of music from iPod/CDs; 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**, the Applicant is the principal of the next door restaurant at the northeast corner of Kenmare and Elizabeth Streets which goes by the same name (Juicerie LLC d/b/a The Butcher's Daughter SN#1268130), residents and Committee members raised issues around the lack of proper pedestrian right of way on their existing sidewalk due to the expansion of the sidewalk café, the outdoor speaker, the lines and planters further encroaching on the sidewalk, the roadbed structure on Elizabeth Street built under the Open Restaurants program in conjunction with this restaurant not allowing for placement of trash and further constricting this narrow street; the Applicant agreeing to remove the roadbed structure at this location and to have the sidewalk seating conform to their original DCA-approved plans which permitted the same number of seats but in a layout that accounted for proper pedestrian passageway; Kenmare Street being a major pedestrian thoroughfare; additional concerns were raised regarding the two establishments existing next door to each other having the same DBA, the Applicant stating that the underlying corporations were unique and that the businesses would be run as separate and distinct entities; and
- v. **Whereas**, to alleviate any 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 10:00 PM every night, to close the sidewalk café by 10:00 PM every evening, to conform to previous DCA-approved sidewalk café layout and to place any sandwich boards adjacent to the building as opposed to the sidewalk curbside to ensure that the sidewalk remain passable at all times; 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 83 active licensed premises within 750 feet of the subject premises, in addition to 14 pending licenses, the Applicant's operating hours and agreed upon stipulations and measures to alleviate any sidewalk congestion establishing public interest; 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 plant-based full-service restaurant with the kitchen open and full menu items available until closing every night.
2. The hours of operation will be 8:00 AM to 10:00 PM Sundays through Thursdays and 8:00 AM to 11:00 PM 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 outdoor area for commercial purposes except for certified sidewalk café operating under the temporary Open Restaurants program located immediately adjacent to the storefront with no more than 20 tables and 40 patron seats. Seating will be the same as the previous operator which followed Travertine, LLC. All service will be by wait staff. No roadbed seating.
5. Sidewalk café will close no later than 10:00 PM. All tables and chairs will be removed 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 operate independent of Principal's next door restaurant (Juicerie LLC d/b/a The Butcher's Daughter SN#1268130) located at 19 Kenmare, West Unit.
8. Will remove the roadbed structure currently being operated on Elizabeth Street in conjunction with Principal's next door restaurant (The Butcher's Daughter, SN#1268130), and will arrange sidewalk seating as per the originally approved plans. Will remove exterior speaker(s).
9. Sandwich boards in both locations will be adjacent to the building.
10. Will play quiet ambient recorded background music only. No speakers will be placed adjacent to the French doors and all speakers will face towards the interior of the premises. No music will be audible in any adjacent residences at any time.
11. Will not have televisions.
12. Will close all doors and windows at 10PM every night, allowing only for patron ingress and egress.
13. Will not have patron occupancy/service to any portion of the basement of licensed premises.
14. Will not install any French doors, operable windows or open facades in addition to the existing French doors on the eastern side of the licensed premises.
15. Will not make changes to the existing façade except to change signage or awning.
16. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
17. Will not have unlimited drink or unlimited food and drink specials. Will not have "boozy brunches." No pitchers of beer.
18. 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.
19. 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.

20. Will appear before CB2, Manhattan prior to submitting changes to any stipulation agreed to herein.
21. 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 **Juicerie Nolita, LLC, d/b/a The Butcher's Daughter, 19 Kenmare St. East Unit 10012** **unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the "Method of Operation" of the NYSLA On-Premises Liquor License.

Vote: Unanimous in favor (8-0)

5. Entity to be formed by Iyad Hamsho, 133 Mulberry Street 10013 (OP-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 On-Premises Restaurant License to operate a full-service, Italian restaurant on the ground floor of a C6-2G-zoned, six (6)-story mixed-use building (c. 1920) on Mulberry Street between Hester and Grand Streets (Block #236/Lot #7503) the building falling within the designated Special Little Italy District; and
- ii. Whereas**, the storefront proposed to be licensed was previously operated as a restaurant with an On-Premises Restaurant liquor license (133 Mulberry Operating Corp. d/b/a Aunt Jake's SN#1317186) and a similar method of operation as proposed in this application, the ground floor premises is approximately 3,800 sq. ft.; there will be 15 tables with 44 seats and one (1) bar with eight (8) seats for a total of 52 patron seats; the premises has one (1) door which will serve as patron ingress and egress, and three (3) bathrooms; there is no sidewalk or roadbed seating; and
- iii. Whereas**, the hours of operation will be from 11:00 AM to 11:00 PM Sundays through Thursdays and 11:00 AM to 12:00 AM Fridays and; there are operable doors which will close by 9:00 PM nightly; music will be quiet background only consisting of music from iPod/CDs; 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**, 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 65 active licensed premises within 750 feet of the subject premises, in addition to 8 pending licenses, the Applicant having reasonable hours with no outdoor seating, the premises having been previously licensed with slightly later hours and sidewalk seating, the quality of life impacts of this application being the same as or less than the previous occupant; no one from the public came to speak against the

application, the Applicant agreeing to stipulations, 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 full-service Italian restaurant with the kitchen open and full menu items available until closing every night.
2. The hours of operation will be from 11:00 AM to 11:00 PM Sundays through Thursdays and 11:00 AM to 12:00 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 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, inclusive of any private parties or events. No music will be audible in any adjacent residences at any time.
6. Will not have televisions.
7. Will close all doors and windows at 9PM every night, allowing only for patron ingress and egress.
8. Will not make changes to the existing façade except to change signage or awning.
9. Will comply with NYC Department of Buildings Regulations and will keep current at all times required Permits and Certificates.
10. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
11. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
12. 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.
13. Will appear before CB2, Man. prior to submitting changes to any stipulation agreed to herein.
14. 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 **Entity to be formed by Iyad Hamsho, 133 Mulberry Street 10013**, **unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the NYSLA On-Premises Liquor License.

Vote: Unanimous in favor (8–0)

6. TQTO Corp. 99 MacDougal St. 10012 (New RW–Restaurant) (previously unlicensed)

- 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 Liquor License to operate quick serve Tex-Mex restaurant on the ground floor of a R7-2 with a C1-5 overlay-zoned, five (5)-story mixed-use building (c. 1900) on MacDougal Street between Bleecker and West 3rd Streets (Block #542/Lot #51), the building falling within NYC LPC’s South Village Historic District; and
- ii. Whereas,** the ground floor premises is approximately 500 sq. ft. and is above grade being accessed by walking up five steps; there will be four (4) tables with 12 seats and one food counter with three (3) seats for a total of 15 interior seats; the premises has one (1) door which will serve as patron ingress and egress and one (1) bathroom; the store front infill being fixed without operable doors or windows that open out to the sidewalk; and
- iii. Whereas,** the hours of operation will be from 12:00 PM to 9:00 PM Sundays, 1:00 PM to 11:00 PM Mondays through Wednesdays and 1:00 PM to 2:00 AM Thursdays through Saturdays, the service of alcohol will end at 11:00 PM on Thursdays and 1:00 AM Fridays and Saturdays; music will be quiet background only; no TVs; there will be no dancing, DJs, live music, promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and
- iv. Whereas,** the premises is a previously unlicensed location and was most recently Honest Chops Burgers from approximately 2016 to 2020; and
- v. Whereas,** the bathroom is located in the rear of the premises and is accessed by walking down a hallway past the unenclosed kitchen prep area in contradiction of NYC DOHMH rules requiring that patrons not pass through a food preparation area to access the bathroom, the Applicant stating that he will construct a wall but did not have detailed plans and had not yet done the work; and
- vi. Whereas,** the Applicant is currently open and operating without a liquor license in the premises with the afore-mentioned hours and had appeared before CB2, Manhattan’s SLA Committee in December/2022 for an On-Premises liquor license application which resulted in a unanimous denial recommendation by CB2, Man., the only difference being the license class, the On-Premises 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 where there are already two existing licenses in the building (Greenwich Village Comedy Club SN#1263017 and Katiroll Company SN#1263071) in addition there being 120 active licensed premises within 750 feet of the subject premises and 13 pending licenses; and
- vii. Whereas,** the premises being very small and the stated method of operation being quick serve with a substantial take out business, the downgrade of the license class to beer and wine and the reduction of hours of the service of alcohol mitigating the quality of life impacts of another licensed establishment in the building, the Applicant also agreeing to submit photos of the constructed wall separating the kitchen from the bathroom before applying to the NYSLA for their license; and

viii. 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 Restaurant Wine License, with those stipulations as follows:

1. Premises will be advertised and operated as a Tex-Mex fast food 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 9:00 PM Sundays, 1:00 PM to 11:00 PM Mondays through Wednesdays and 1:00 PM to 2:00 AM Thursdays through Saturdays, the service of alcohol will end at 11:00 PM on Thursdays and 1:00 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 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, inclusive of any private parties or events. No music will be audible in any adjacent residences at any time.
6. Will not have televisions.
7. Will close all doors and windows at all times, allowing only for patron ingress and egress.
8. Will not install or have French doors, operable windows or open facades.
9. Will not make changes to the existing façade except to change signage or awning.
10. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
11. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
12. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
13. 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. Will appear before CB2, Manhattan prior to submitting changes to any stipulation agreed to herein.
15. 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 **TQTO Corp. 99 MacDougal St. 10012, unless** the statements presented by the Applicant are accurate and complete and that the conditions agreed to by the Applicant remain incorporated into the “Method of Operation” of the NYSLA Restaurant Wine License.

Vote: Unanimous in favor (8–0)

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

7. Diglio Corporation, 59 Grand St. 10012 (OP–Restaurant)

Whereas, prior to this month’s CB2, Manhattan’s SLA #1 Licensing Committee Meeting on January 3, 2023 the Applicant requested **to lay over** this application for a On-Premises Restaurant Liquor License to February/2023 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 **Diglio Corporation, 59 Grand St. 10012**, **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

8. 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 CB2, Manhattan’s SLA #1 Licensing Committee Meeting on January 3, 2023 the Applicant requested **to lay over** this application for a Tavern Wine License to February/2023 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the NYSLA should they proceed; and

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the NYSLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **66 Greene LLC, fka An Entity to be Formed by Alexander Grant d/b/a TBD, 66 Greene St. 10012**, **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

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

Whereas, prior to this month’s Community Board 2, Manhattan’s SLA Licensing Committee

Meeting on January 3, 2023 the Applicant requested **to lay over** this application for a Restaurant Wine License to February/2023 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the NYSLA should they proceed; and

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the NYSLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Baotea Mulberry, Inc., 122 Mulberry St. 10013 until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

10. L. Pride, on behalf of an entity to be determined, d/b/a TBD, 83-85 MacDougal St. North Store 10012 (OP–Restaurant)

Whereas, prior to this month's Community Board 2, Manhattan's SLA Licensing Committee Meeting on January 3, 2023 the Applicant requested **to lay over** this application for a On-Premises Liquor License to February/2023 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 **L. Pride, on behalf of an entity to be determined, d/b/a TBD, 83-85 MacDougal St. North Store 10012 until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

11. 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 January 3, 2023 the Applicant requested **to lay over** this application for a On-Premises Hotel Liquor License to February/2023 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the NYSLA should they proceed; and

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the NYSLA **deny** any type of proposed on-premises liquor license, tavern wine license,

restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Gi Gi Group, LLC d/b/a TBD, 138 Bowery 10013** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

12. Phangan Inc., 41 Kenmare Street 10012 (OP–Restaurant)

Whereas, prior to this month's Community Board 2, Manhattan's SLA Licensing Committee Meeting on January 3, 2023, the Applicant requested to withdraw this application for an On-Premises Restaurant Liquor 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 Community Board 2, Manhattan strongly recommends that the NYSLA deny any type of proposed on-premises 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 **Phangan Inc., 41 Kenmare Street 10012**, until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

Respectfully submitted,

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

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



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

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SLA LICENSING COMMITTEE 2

The SLA Licensing Committee #2 of Community Board 2, Manhattan, held a meeting at 6:30 PM on Thursday January 5, 2023, via Zoom Conferencing.

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

Committee Board Members absent with notice: and C. Flynn.

Other Board Members Present: C. Booth.

RESOLUTIONS:

1. Banter Hospitality Group, LLC d/b/a Banter, 169 Sullivan St. 10014 (Existing OP-Change in Ownership/Method of Operation)

i. Whereas, the Applicant and his Attorney appeared before Community Board 2, Manhattan's SLA Licensing Committee to present an application to the Liquor Authority for changes in its method of operation and corporate ownership holding an on premise liquor license, albeit to continue to operate a full service restaurant specializing in breakfast, lunch and brunch service within a ground floor storefront located within a six-story, walk-up tenement style residential building (circa 1900) on Sullivan Street between Bleecker and Houston Streets, this building falling within NYC LPC's designated South Village Historic District; and,

ii. Whereas, when the Licensee's current liquor license was granted at the NYSLA in 2017, the NYSLA placed restrictions on the license that prohibited the service of alcohol to any exterior areas to meet the public interest standard for the existing license; and

iii. Whereas, in light of the previous restrictions imposed on their license, the Licensee is seeking to add service to the exterior roadbed immediately in front of the licensed premise which initially commenced in response to the Covid Pandemic and NYC's temporary program that allowed for such use of the roadbed; and,

iv. Whereas, the Licensee is also seeking a change in the company's corporate structure that holds the liquor license, with the method of operation as an Australian style restaurant specializing in breakfast, lunch and brunch unchanged and remaining the same; and

v. **Whereas**, the interior storefront is approximately 1500 sq. ft. (800 sq. ft. ground floor and 700 sq. ft. basement, with the basement being for storage purposes), with 26 tables and 34 patron seats, six counter seats but there being no stand up bar, for a total patron seating occupancy of 40, with one bathroom, no TVs; the store front infill being fixed without operable doors or windows that open out to the sidewalk; and,

vi. **Whereas**, the hours of operation for the restaurant will continue to be Sunday to Saturday from 8 AM to 4 PM, music in the interior will be background only, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; there is a small exterior patio in front but there will not be any seating or service of alcohol to the exterior patio or narrow public sidewalk; and,

vii. **Whereas**, concerns were raised regarding the structure built by the Licensee during the Covid Pandemic in that Sullivan Street is very narrow with sheds placed on both sides of the street crowding roadway passage, in addition to the sheds being built in a single row not allowing for trash pickup in the neighborhood, street cleaning and a lack of access between sidewalk and roadway, the Licensee in response agreeing to reduce the structure on both ends by 20% to allow for trash pick up and roadway access; and,

viii. **Whereas**, the Applicant and Licensee 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 full-service restaurant, specializing the service of brunch with kitchen open and full menu items available until closing every night.
2. The interior hours of operation will continue to be from Sunday to Saturday 8 AM to 4 PM but may go until 11 PM Sunday through Thursday and until 12 AM Fridays/Saturdays in the future, if needed.
3. Will not operate a backyard garden or other outdoor area for commercial purposes except for temporary roadbed seating operating under the temporary Open Restaurants program. Roadbed seating not exceeding the business frontage of licensed premises consists of 11 tables and 22 patron seats. No benches. Existing roadbed structure will also be altered and reduced by 20% on each side to permit access to roadway from sidewalk at both sides of structure.
4. Roadbed seating will close no later than 4 PM every day. All tables and chairs in roadbed will be secured with no patrons remaining outside at this hour. No exterior music, speakers or TVs.
5. No sidewalk/patio seating.
6. Will not install or have French doors, operable windows or open facades.
7. Will close all doors & windows by 4:00 PM.
8. Will play quiet ambient recorded background music only within interior. No music will be audible in any adjacent residences anytime.
9. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
10. Will not have TVs.

11. The premises will not have DJ's, dancing, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
12. There will be no all you can eat/all you drink special or boozy brunches, or pitchers of beer.
13. There will be no "bottle service" on the sale of bottles of alcohol except for the sale of bottles of wine products.
14. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
15. 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 and change in corporate ownership to an existing on premise liquor license to **Banter Hospitality Group, LLC d/b/a Banter, 169 Sullivan St. 10014** **unless** the statements the Applicant has presented are accurate and complete and that the above-stated conditions and existing stipulations agreed to by the Applicant continue to be incorporated into the Method of Operation on the SLA On Premise License.

Vote: Unanimous in favor (7-0)

2. Perry Street Project LLC d/b/a Perry Street, 176 Perry Street 10014 (Corp. Change)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan's SLA Committee #2 to present an application to the NYS Liquor Authority for a corporate change of ownership to an existing On Premises License (SN 1160761, exp. 4/30/23); the Applicant will continue to operate a restaurant serving American cuisine in an C1-7 zoned, 15-story mixed-use building constructed in 2001 and located on Perry St. and between West and Washington Sts. (Block #637/Lot #7504); and

ii. Whereas, the Applicant will continue operation of its full-service restaurant without change to its method of operation in a premises with an occupancy of approximately 162 persons; the premises has 20 tables with 65 seats and a stand-up bar with no (0) seats; the premises has 1 entrance/exit and 2 patron bathrooms, with access to the cellar by staircase and limited to staff use only; there will be no outdoor seating aside from an outdoor patio and no sidewalk café or roadbed seating under the Open Restaurants program; and

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

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a corporate change to the existing On Premises License (SN 1160761, exp. 4/30/23) for **Perry Street Project d/b/a/ Perry Street, 176 Perry Street 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 On Premises License.

Vote: Unanimous in favor (7-0)

3. Sushi Sase Inc. d/b/a Sushi 456, 456 Hudson Street 10014 (RW & Temp. Retail Permit)

- i. Whereas,** the Applicant appeared before Community Board 2, Manhattan’s SLA Committee #2 to present an application to the NYS Liquor Authority for a new Restaurant Wine License and a Temporary Retail Permit; the Applicant will operate a restaurant serving Japanese cuisine in a C1-6 R-6 zoned, six-story mixed-use building constructed in 1925 on Hudson St. between Barrow and Morton Streets. (Block #584/Lot #7501), and located in the Greenwich Village Historic District; and
- ii. Whereas,** the Applicant will operate a full-service restaurant in a previously-licensed premises totaling approximately 650 sq. ft. and with a proposed occupancy of less than 74 persons; there will be 7 tables with 28 seats and 1 stand-up bar with 7 seats, for a total of 35 patron seats; the premises has 1 entrance/exit and 2 bathrooms and will not have a sidewalk café or roadbed seating under the Open Restaurants program; and
- iii. Whereas,** the Applicant’s agreed-to hours of operation will be 12:00 PM to 11:00 PM seven days a week; 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 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 Wine License and the Temporary Retail Permit, with those stipulations as follows:
1. The premises will be advertised and will operate as a sushi restaurant.
 2. The hours of operation will be from 12:00 PM to 11:00 PM seven days a week. The premises will open no later than the stated opening time and no patrons will remain after the stated closing time.
 3. The Applicant will operate a sushi restaurant with a full-service kitchen, with the kitchen open and the full menu available until closing every night.
 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. It will not have televisions.
 6. The Applicant will not operate a backyard garden or any other outdoor area for commercial purposes, including any sidewalk café and/or roadbed seating operated under the Open Restaurants program.
 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. It will not install or have French doors, operable windows, or open façades.
 10. It will not make changes to the existing façade, except to change the signage or awning.
 11. It will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
 12. It will not have unlimited drink or unlimited food & drink specials. It will not have “boozy brunches” and will not sell pitchers of beer.
 13. There will be no “bottle service” or the sale of alcohol by the bottle, except for beer and wine products.

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

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a new **Restaurant Wine License for Sushi Sase Inc. d/b/a Sushi 456, 456 Hudson Street 10014**, **unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant are incorporated into the “Method of Operation” of the SLA Restaurant Wine License and the Temporary Retail Permit.

Vote: Unanimous in favor (7 -0)

4. 177 1st Ave. LLC, d/b/a Figure Eight, 18 Cornelia St. 10014 (Transfer–Restaurant Wine)

i. Whereas, one of the two Applicants appeared before Community Board 2, Manhattan’s SLA Committee to present an application to the NYS Liquor Authority for a transfer of a Restaurant Wine License to operate a restaurant in a ground floor storefront located within a six-story, tenement style residential building (circa 1900) in a residentially only zoned R6 district; the premises is located on Cornelia Street between West 4th and Bleecker St with 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 restaurant (Pearl Oyster Bar), is roughly 2300 sq. ft. (1300 sq. ft. ground floor and 1000 sq. ft. basement with the basement being for storage and mechanical systems but not for patrons or the service of alcohol), there is a full-service kitchen, 12 tables with 30 patron seats, one stand-up bar with 15 additional seats for a total indoor seated patron occupancy of 45 persons, there is one (1) patron entry and one (1) patron exit and two (2) 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 Sundays to Saturdays from 11:00 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; and,

iv. Whereas, despite not being subject to the Covid Pandemic, the Applicant seeks to operate with a roofed, unsecured structure that, which with the assistance of local government representatives, has been designated by the City as abandoned and removal, this particular structure, as well as the immediately adjacent structure belonging to the adjacent restaurant, the Silver Apricot at 20 Cornelia Street, being the subject of criminal activity, including drug use and

drug dealing, and prostitution, much of which was publicized by newspapers with graphic photographs published of the illicit activities, the roadbed structures being the gravamen of complaints from local residents living on the block, in addition to the multiple block associations representing the area (Central Village Block Association/West Village Residents/Carmines Block Association), this location being within a residentially R6 zoned only district, the roadway being very narrow, a structure crowding passage for vehicles, disadvantaging handicap access and emergency response to the area, inappropriate now that the pandemic has waned and the temporary program which initially allowed for the structure ending and being replaced with one that will not allow for such structures in the manner being proposed in this application; and,

v. **Whereas**, there was substantial opposition to this Application from residents living on the block and the local block associations, mostly because the Applicants, who operate the Silver Apricot restaurant next door, are seeking to revitalize the shed that has been abandoned and already designated for removal by the City of New York, the Applicants having a history of not cleaning garbage and refuse accumulating in the roadway, contributing to vermin/rodent problems on the block, the Applicants having an adversarial relationship with neighboring building superintendents, with the City of New York being in the process of replacing the existing temporary program with a new one that may allow for dining in roadways but not with the type of unsecured makeshift structure as is the proposed here; and,

vi. **Whereas**, no one appeared in favor of the application from the Community; and,

vii. **Whereas**, with legitimate questions having been raised about the structure in question, regarding safety and the narrowness of the roadway in question, the structure having been abandoned and designated for removal from the City of NY, with the use of structures and the temporary program coming to an end; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the Restaurant Wine License application for **177 1st Ave. LLC, d/b/a Figure Eight, 18 Cornelia St. 10014**; and

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

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

i. **Whereas**, the Applicants and the Applicant's Attorney appeared before Community Board 2, Manhattan's SLA Committee to present an application to the NYS Liquor Authority for a new On-Premises Liquor License to operate a full service restaurant serving Italian cuisine in a ground floor corner storefront located within a six-story, tenement style residential building (circa 1903) on the southwest corner of Greenwich Ave. and Jane Street, 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 restaurant (Benny's Burrito) with a similar method of operation as proposed in this application, is roughly 3165 sq. ft. (1165 sq. ft. ground floor and 2000 sq. ft. basement with the basement being for storage

and mechanical systems but not for patrons or the service of alcohol), there is a full-service kitchen, 16 tables with 52 patron seats, one stand-up bar with 12 additional seats for a total indoor seated patron occupancy of 64 persons, there is one (1) patron entry and one (1) patron exit and two (2) 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 Sundays to Wednesdays from 11:00 AM to 12:00 AM, and Thursdays to Saturdays from 11:00 PM until 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 will be a sidewalk café with two (2) tables and four (4) patron seats on Jane Street and nine (9) tables and eighteen (18) patron seats on Greenwich Avenue but 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 51 active on premise liquor licenses within 750 feet of the location proposed to be licensed, with 5 additional pending licenses, the method of operation being similar to what was licensed and operated at the same location in the past without significant conflict, the Applicants are known in the immediate community and operate a similar restaurant in the immediate area, the hours of operation are consistent with a full-service restaurant, 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 serving Italian fare, with the kitchen open and the full menu available until closing every night.
2. The hours of operation will be Sundays to Wednesdays from 11:00 AM to 12:00 AM, and Thursdays to Saturdays from 11:00 PM until 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. 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, following diagram submitted and leaving a minimum clearance of 10' to the curbside for pedestrian passage with no more than two (2) tables and four (4) patron seats on Jane Street and with no more than nine (9) tables and eighteen (18) patrons seats on Greenwich Avenue. No roadbed seating.
6. Sidewalk café will close no later than 11 PM. All tables and chairs will be removed at this hour. No exterior music, speakers
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. 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 **Saint Sabino, LLC d/b/a Pending, 113 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: Six in favor, one against (Bordonaro)

6. WF1 LLC d/b/a Pending, 29 Cornelia Street 10014 (New OP)

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 Japanese-American fusion restaurant in a ground floor storefront located within a six-story, tenement style residential building (circa 1903) on Cornelia Street between Bleecker and West 4th Streets, this building falling within NYC LPC’s designated Greenwich Village Historic District; and,

ii. Whereas, the storefront proposed to be licensed has operated in the past as the Cornelia Street Café, with a similar method of operation, the interior storefront is roughly 2100 sq. ft. with 900 sq. ft. ground floor and 1200 sq. ft. cellar, there is a full-service kitchen, with 12 tables and 24 patron seats and 1 stand up bar with 11 additional patron seats on the ground floor, and 8 tables with 18 patron seats and 1 stand-up bar with 5 additional seats in the cellar, for a total indoor seated patron occupancy of 58 persons, there is one (1) double door patron entry/exit and 4 patron bathrooms, the store front infill being fixed without operable doors or windows with the exception of set of existing double doors for entry/exit from the restaurant to the sidewalk; and

iii. Whereas, the Applicant’s hours of operation will be Sundays to Tuesdays from 12:00 PM to 1:00 AM, Wednesdays to Saturdays from 12:00 PM to 2:00 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 sought to operate with sidewalk seating but was not able to demonstrate that the width or depth of the sidewalk provided the requisite pedestrian clear path required even under the temporary program implemented during the Covid Pandemic, the sidewalk being very narrow, the area being zoned residential and there having never been legally approved sidewalk seating at this location in the past; 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 117 active on premise liquor licenses within 750 feet of the location proposed to be licensed, with 12 additional pending licenses, the method of operation being somewhat similar to what was licensed and operated at the same location in the past, the Applicants having met with the local block associations and residents living on the block, working with and compromising with the existing community and stakeholders, there will be no roadbed dining or structures built in the roadway, the agreed upon stipulations with the neighbors and block associations 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 On Premises Liquor License, with those stipulations as follows:

1. Will operate a full-service restaurant with a full-service kitchen serving Italian fare, with the kitchen open and the full menu available until closing every night.
2. The hours of operation will be Sundays to Tuesdays from 12:00 PM to 1:00 AM, Wednesdays to Saturdays from 12:00 PM to 2:00 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 including sidewalk café and/or roadbed seating operating under the 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 utilize electronic messaging and reservation system; patrons will be notified to prevent patrons waiting or lining up outside on sidewalk or in immediate area of restaurant.
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. 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 **WF1 LLC d/b/a Pending, 29 Cornelia Street 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 On Premises License.

Vote: Unanimous in favor (7-0)

7. Hudson Square Services LLC & Apogee Events, Inc., d/b/a TBD, 75 Varick St., 18th Fl. 10013 (New OP – Catering Facility with Rooftop Terrace)

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-Premise Catering License to operate on the Eighteenth Floor of an eighteen-story commercial office building (circa 1921) at the corner of Varick and Canal Streets in Hudson Square; and,

ii. Whereas, the premises to be licensed consists of the entire penthouse floor with roughly 3974 sq. ft. interior rooftop space with connecting 6591 sq. ft. exterior terrace, there is a full-service kitchen, with an auditorium/meeting place on the west side and with a long interior extending from west to east to a set of elevators, with 5-15 tables and 60-110 patron seats and three stand up bars with the seating being dependent on the type of event scheduled, with the typical occupancy for catering events being between 150 and 350 patrons, there is one (1) set of large double door leading out to the terrace facing Canal Street with those doors being closed any time there is music being played on the interior for any event taking place at the establishment; and

iii. Whereas, the large terrace runs the length of the building exterior on Canal Street with multiple extensions running along the side of Varick Street facing the Holland Tunnel and a second facing due west overlooking the Hudson River, music on the terrace will be quiet recorded background only; there will be no DJ’s, no promoted events, no live music, no scheduled performances, no cover fees, and no televisions on the exterior terrace; and,

iv. Whereas, the Applicant’s hours of operation will be Sundays from 10:00 AM to 12:00 AM, Mondays to Thursdays from 8:00 AM to 12:00 AM, Fridays from 8:00 AM to 1:00 AM and Saturdays from 10:00 AM to 1:00 AM, there will be no outside promoters or buy outs, all events will be managed by the Licensee, all doors and windows to the exterior will be closed whenever music on the interior is greater than that of quiet background music, with the volume of music being monitored via the sound system processor using limiters at decibel levels compliant with and restrained by the sound study and interior/exterior recommendations of Acoustilog Inc, dated October 13, 2022, with the report and recommendations being made a part of the Applicant’s stipulations and agreement with the community to satisfy the public interest standard required by the 500 foot rule; and,

v. **Whereas**, the premises to be license has not previously been licensed for the service of alcohol, the terrace having been built out 3 years ago as a tenant amenity, the Applicant presenting a certificate of occupancy permitting the use/occupancy proposed; 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 adding another liquor license at this location, the Applicants having reached out to those local block associations and community residents in the area, as well as Community Board 1 Man., while also providing a site visit to review the terrace to neighbors and CB2 Man., the Applicant presenting a sound attenuation from Acoustilog Inc., agreeing to all the recommendations and limitations outlined in that report to prevent sound from escaping and impacting those living in the surrounding area, 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 Acoustilog sound report; 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 its Catering Liquor License, with those stipulations as follows:

1. The licensed premise will consist of interior and exterior (terrace) space on 18th Floor of 75 Varick Street.
2. The business holding the license will be advertised and operated as a catering business.
3. The hours of operation will be Sunday 10 AM to 12 AM, Monday to Thursday from 8 AM to 12 AM, Fridays from 8 AM to 1AM and Saturdays from 10 AM to 1 AM. All patrons will be cleared from the premises and no patrons will remain after stated closing time.
4. There will be no DJ, dancing or live music located outside on exterior rooftop terrace.
5. Music levels outside will be ambient recorded background music only (i.e. low background music limited to 80 dBC and 78 dBA measured 3 feet from any speaker as indicated in initial sound report). Notwithstanding this requirement, which may be more restrictive, at no time will NYC noise regulations be violated. It is also understood that at no time will any music from the roof be audible in other buildings, become a quality of life issue or impact local residents. Licensee will make best efforts to resolve complaints.
6. There will be a master sound limiter for both interior and exterior that will be installed and calibrated by a certified acoustical engineer (i.e. Acoustilog, Inc.) to initial sound report specifications with levels to remain unchanged and the limiter secured to avoid tampering with exclusive control by senior facility management only. There will be an annual inaugural sound review each spring for the outdoor area conducted by same to ensure compliance with initial sound report and initial levels set.
7. There will be no additional sound equipment utilized in the outdoor terrace (ie speakers, amplifiers, microphones) other than the permanently installed speakers.
8. There will be no televisions or projectors or similar in the rooftop exterior space.
9. All speakers will be installed/placed lower than the existing perimeter wall barriers.
10. Licensee will adhere to Acoustilog, Inc. October 13, 2022 sound report recommendations as presented to CB2, A copy of which is on file.
11. The licensee will make best efforts to not permit guests to create any unreasonable loud noises, yelling, shouting, singing or any other objectionable behavior or use of any

noisemakers and will have a staff member to manage guests in the exterior area at all times. The anticipated volume of patron voices is normal conversational volume.

12. The Licensee will obtain all required certificates, permits and related documents including a Certificate of Occupancy prior to opening and will keep current all certificates, permits and related documents.

13. There will be no event where a cover fee is charged or scheduled performances with ticketing for entry.

14. There will be no velvet ropes or barricades used to control patrons.

15. All doors and windows will remain closed anytime music is being playing on the interior.

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a new Catering Liquor License to **Hudson Square Services LLC & Apogee Events, Inc., d/b/a TBD, 75 Varick St., 18th Fl. 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 SLA Catering License.

Vote: Unanimous in favor (7-0)

8. 232 14th Street, LLC d/b/a Between Us, 232 W. 14th St. 10014 Cellar & Sub-Bsmt. 10011 (New OP-Restaurant/Tavern with Rear Yard)

i. Whereas, the Applicants and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Licensing Committee for reconsideration and to present an application to the NYS Liquor Authority for a new On-Premises Liquor License to operate a restaurant in a semi-sub surface storefront within a five-story mixed-use tenement style building (c. 1900) on West 14th Street St. between 7th and 8th Avenues in Greenwich Village; and

ii. Whereas, the ground floor storefront proposed to be licensed was previously operated as a restaurant known as Crooked Knife, the storefront being roughly 2,700 sq. ft. consisting of a 1600 sq. ft. below grade ground floor and 1100 sq. ft. subbasement, the subbasement being for storage, boiler, and office uses only, there is no patron use of the subbasement, the interior storefront having a full service kitchen with 21 tables with 53 patron seats, one (1) seventeen foot stand up bar without any designated bar seating for a total seated patron occupancy of 53 seats; the premises has one (1) entry/exit with an exterior staircase leading down from the public sidewalk which serves as the only patron ingress and egress and one (1) bathroom; and

iii. Whereas, the Applicants also seek to operate in a large rear yard space from the interior storefront through a single rear doorway and staircase, the applicant indicating the unmeasured rear yard is roughly 1500 sq. ft., with 12 large picnic style tables and 52 exterior patron seats, the rear storefront also having a row of operable casement windows that open out into the rear yard; and

iv. Whereas, the proposed hours of operation are from 6:00 PM to 4:00 AM Monday through Friday, Saturdays and Sundays from 11:00 AM to 4:00 AM, and for the exterior rear yard the

proposed hours are from 6:00 PM to 12:00 AM Monday through Friday and from 11:00 AM to 12:00 AM on Saturdays and Sundays; music for the interior will include live music and live DJs on the weekends but despite the live music and DJs the applicants insist that music levels will be quiet background only, with the live music being acoustical jazz music without amplification, and there will be no dancing, no promoted events, no scheduled performances or cover fees; and

v. **Whereas**, the applicant provided a certificate of occupancy for 232 West 14th St. from 2018 which did not state nor permit eating and drinking use or occupancy to the exterior rear yard and placed a maximum capacity for the interior sub grade cellar level storefront at 64 persons, with concerns being raised as to the sufficiency of the emergency egress from the rear yard and premises to be licensed through the individual doorways and stairwells located at both the front and rear of the premise proposed to be licensed, with the proposed occupancy being in excess of that permitted, there also being no public assembly permit being presented demonstrating the proposed occupancy was reviewed by the NYCFD; and,

vi. **Whereas**, residents living adjacent to and directly exposed to the premises and rear yard proposed to be licensed appeared on this application opposing the use of the rear yard, explaining that during the COVID pandemic the predecessor restaurant in the same space (the Crooked Knife) tore down a fence separating the two rear yards of 232 West 14th St. and the neighboring building at 234 West 14th St., and without filing any alteration to its existing license with the NYSLA, or seeking permission from the NYC Department of Buildings, had placed tables and seats in the adjacent rear yard and was using both rear yards for eating/drinking and the of service alcohol, with such use and occupancy being in derogation of the terms of its liquor license, while also creating significant intrusions of noise and privacy to their quality of life, with their bedrooms and living quarters facing a rear donut consisting of numerous residential buildings, all of which are exposed to the use of the large rear yards belonging to both these two buildings (232 and 234 W. 14th) with the prior operators also having left their windows open in the rear, playing excessively loud music creating further, unreasonable intrusions on those living in the immediate rear donut, the applicants indicating that the ownership of the two buildings are by the same ownership entity; 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 the addition of another late night license establishment at this location, the immediate area already being greatly saturated with late-night drinking establishments and liquor licenses, there being 50 active on premise liquor licenses within 750 feet of the location proposed to be licensed, with 4 additional pending licenses, the proposal of operating until 4 AM being inconsistent with the Applicant's statements and application that it seeks to operate as a full service restaurant, the use/occupancy of the rear yard for eating and drinking not being allowed, with valid concerns having been raised as to patron occupancy levels which must include patrons eating/drinking in the rear yard, as well as emergency egress to and though multiple single doorways coupled with staircases on either sides of those doorways, the Applicant not willing to withdraw the rear yard from the instant application, or operate with more appropriate hours consistent with that of a full service restaurant, with this particular block already being greatly saturated with late night licensed establishments; and

viii. **Whereas**, upon reconsideration, the Applicant demonstrated a willingness to discontinue the use of the rear yard as there has never been a legal use of the rear yard at this location for eating and drinking purposes, but still sought to operate until 4AM despite its proposed method of operation being that of a restaurant, with the Applicant not having previously held a liquor license at any point in her past; and,

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a new On Premise Liquor License for **232 14th Street, LLC d/b/a Between Us, 234 West 14th Street Cellar & Sub-Bsm. 10011**; 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.

THEREFORE, 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 **232 14th Street, LLC d/b/a Between Us at 234 West 14th Street Cellar & Sub-Bsm. 10011**:

1. The premises will be advertised and operated as a full-service restaurant with kitchen open and full menu items available until closing every night.
2. The interior hours of operation will be Sunday 11:00 AM to 12:00 AM, Monday through Thursday from 6:00 PM to 12:00 AM, Fridays from 6:00 PM to 2:00 AM and Saturdays from 11:00 AM to 2:00 AM.
3. The Applicant will not operate a backyard garden or any other outdoor area for commercial purposes.
4. There will be no sidewalk or roadbed structures. No exterior music, speakers or TVs.
5. Will not install or have French doors, operable windows or open façades and 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 lounge, tavern or sports bar, or allow any portion of the premises to be operated in such a manner.
8. The premises will not have DJ's, dancing, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. There will be no all you can eat/all you drink special or boozy brunches, or pitchers of beer.
10. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.
11. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits and Certificates.

Vote: Unanimous in favor (6–0)

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

9. Thai Smile Restaurant Inc. d/b/a Tue Thai Food, 3 Greenwich Ave, Store #4 10014 (New OP – Restaurant) (laid over)

Whereas, at this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on January 5, 2023 the Applicant sought more time and requested **to lay over** this application to February/2023, 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 **Thai Smile Restaurant Inc. d/b/a Tue Thai Food, 3 Greenwich Ave, Store #4 10014 until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license for 30 days until this important step is taken and the concerns of the Community be fully heard.

Vote: Unanimous in favor

10. Hao Noodle and Tea LLC, d/b/a Madam Zhu’s Kitchen, 401 Ave. of the America 10014 (New RW–Restaurant) (laid over)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on January 5, 2023 the Applicant requested **to lay over** this application over to February/2023, 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 **Hao Noodle and Tea LLC, d/b/a Madam Zhu’s Kitchen, 401 Ave. of the America 10014 until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license for 30 days until this important step is taken and the concerns of the Community be fully heard.

Vote: Unanimous in favor

11. The Beer Garage II, LLC d/b/a The Beer Garage, 118 Christopher St. 10014 (Class Change to OP)(failed to appear)

Whereas, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on January 5, 2023 the Applicant **failed to appear** on this application, providing no information as to why it did not appear before this Community Board on its license application, or seeking to adjourn or lay over the application for a future date for this purpose; and,

THEREFORE, BE IT RESOLVED that CB2, Manhattan strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **The Beer Garage II, LLC d/b/a The Beer Garage, 118 Christopher St. 10014 until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license for 30 days until this important step is taken and the concerns of the Community be fully heard.

Vote: Unanimous in favor

12. Cara Jecm LLC, d/b/a Mad Morton, 13-15 Morton St. aka 47 7th Ave. S. 10014 (OP – Restaurant) (Extending operating hours) (laid over to February 2023)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on January 5, 2023 the Applicant requested **to lay over** this application over to February/2023, 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 **Cara Jecm LLC, d/b/a Mad Morton, 13-15 Morton St. aka 47 7th Ave. S. 10014 until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license for 30 days until this important step is taken and the concerns of the Community be fully heard.

Vote: Unanimous in favor

13. Grey Dog Carmine Inc. d/b/a The Grey Dog, 49 Carmine St. 10014 (OP – Alteration) (Withdrawn)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on January 5, 2023 the Applicant requested **to withdraw** this application from further consideration, 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 **Grey Dog Carmine Inc. d/b/a The Grey Dog, 49 Carmine St. 10014** **until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license for 30 days until this important step is taken and the concerns of the Community be fully heard.

Vote: Unanimous in favor

14. Realmuto 117 7th Avenue South LLC, d/b/a Pending, 117 7th Ave. South 10014 (New RW – Restaurant) (laid over to February 2023)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on January 5, 2023 the Applicant requested **to lay over** this application over to February/2023, 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 **Realmuto 117 7th Avenue South LLC, d/b/a Pending, 117 7th Ave. South 10014** **until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license for 30 days until this important step is taken and the concerns of the Community be fully heard.

Vote: Unanimous in favor

Respectfully submitted,

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

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



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

Community Board No. 2, Manhattan

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

The Community Board 2, Manhattan Landmarks and Public Aesthetics Committee held the first of two January 2023 meetings January 10 by video conferencing.

Committee Members Present: Susan Gammie (Vice-Chair) Valerie De La Rosa, Brian Pape, Eugene Yoo, Zachary Roberts, Bo Ricobono

Board Members Absent with Notice: Anita Brandt, Mostafa Osman, Chenault Spence

Public Members Present: Andy Clark, Albert Bennett, Brenden Fitzgerald

Public Members Absent with notice:

Board Members: Carter Booth, Donna Raftery

Committee Guests: Anna Marcum (Village Preservation)

1. ***29–33 Ninth Ave.** – The application is for a painted wall sign master plan.

Whereas:

- A. There is a well-established history of painted wall signs in the area; and
- B. The applicant confirmed that the façade of the proposed master plan does not contain any ghost signage; and
- C. The proposed criteria appear to be consistent with other master plans in the district; now

Therefore be it resolved that CB2 Manhattan recommends approval of the proposed painted wall sign master plan.

Unanimous

2. ***350 Bleeker** – The application is to paint the storefront portion of the facade a white color, to install a bracket sign, and to install signage with a polished gold finish.

Whereas:

- A. The applicant reported that they were required to remove the previously existing dark grey paint because it had not been permitted by LPC; and

- B. The required paint removal revealed damaged and inconsistently repaired brick which the store owner proposes to paint over; and
- C. The proposed paint color of the storefront façade and planter was described as “white” and appears as a cream color in the rendering, but is shown as a lighter brighter white in the paint chip (BM Decorative White); and
- D. While the Committee is concerned that the proposed white or cream is not harmonious with the base of the building, we also acknowledge that the applicant demonstrated that there are several other light colored storefronts on Bleecker Street; and
- E. There have been previous applications for modifications to other aspects of 350 Bleecker in front of the Committee, one in 1986 and one in 1991, and both prior community board resolutions reflected concern with maintaining visual harmony with both the building itself and with its surroundings; and
- F. When taken as a whole, the combined effect of the light color, the increased width of the pinpoint signage to beyond what was previously approved, the addition of a corner bracket sign with dangling sub-sign, the addition of an exterior lockbox, and the polished shiny metal of all proposed signage creates a visual condition that is excessive and disharmonious with the simplicity of the building; now

Therefore be it resolved that CB2 Manhattan recommends:

- A. Approval of painting the storefront façade provided that the white is a cream color consistent with the rendering and that the paint does not have a gloss finish.**
- B. Denial of the painting of the planter box.**
- C. Approval of the proposed signage provided that it is modified to be less excessive in one of two ways- either approval of the bracket sign minus the dangling sub-sign and no increase of the width of the backlit pinpoint signage on the façade, OR approval of the proposed increase of the pinpoint signage without addition of a bracket sign.**
- D. Denial of the lockbox.**

8 in Favor

1 Opposed (V. De La Rosa)

3. ***238 W. 11 St.** – This application is a conversion of a 3 family to a single family. replace the front door, replace skylight, new stair bulkhead, new roof, guard rails, demolish the existing extension, construct a new extension, replace the rear wall with new windows & doors.

Whereas:

- A. The front door is to be replaced with a new door and transom in keeping with style of building and existing stoop and railings are to remain; and
- B. The skylight is to be replaced in kind; and
- C. The location of the new stair bulkhead necessitates that the new guardrail be located in a position that makes the guardrail clearly visible from the street, appearing to sit awkwardly atop the sloped skylight; and
- D. The existing 2 story extension is to be demolished; and
- E. The proposed new extension and the doors and windows of the replacement rear wall encompass the entire rear façade and as described by the architect, are “unabashedly modern”; and

- F. There will be considerable excavation to accommodate a cellar expansion and the creation of a recreation room under the garden; now

Therefore be it resolved that CB2 Manhattan recommends:

- A. Approval of the front door, transom, and skylight.
- B. Denial of the proposed guardrail and bulkhead and recommends that the position and design of the bulkhead be modified in order to accommodate a less publicly visible guardrail.
- C. Approval of the demolition of the existing rear 2 story addition, even though we feel that the addition, while not original, is also not without historic value.
- D. Approval of the rear extension on the cellar, basement, first and second floors.
- E. Denial of the proposed changes to the third and fourth floors of the rear façade, and recommends that the top two floors retain the historic fabric, position, massing and visual vocabulary (3 punched openings with divided-light sash windows) of the historic typology of the building, as consistent with the practice in the district of retaining historic elements on rear façades when introducing modern ones, and noting that the the clearly bricked over openings on the 3rd floor line up with those at 4 adjacent properties.
- F. That, in the absence of adequate information regarding excavation from the applicant, any aspect of the application that relies upon excavation be examined by the Commission in order to verify that applicable standards are being met to ensure that there will not be a negative effect on the structural integrity of neighboring properties.

Unanimous



Chenault Spence, Chair

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



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

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

The Community Board 2, Manhattan Landmarks and Public Aesthetics Committee held the second of two January 2023 meetings January 12 by video conferencing.

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

Board Members Absent with Notice: Susan Gammie, Mostafa Osman

Board Members Absent without Notice:

Public Members Present: Andy Clark, Albert Bennett, Brenden Fitzgerald

Public Members Absent with notice:

Board members: Board members: Carter Booth, Katy Bordonaro, Jeannine Kiely, Donna Raftery, Susan Kent

Committee Guests: Anna Marcum (Village Preservation)

1. *36 Little West 12th St. – The application is to propose a signage.

Whereas:

- A. The storefront has an industrial sidewalk canopy typical to the district; and
- B. A black interior lit sign with acrylic lettering 18” X 56” hangs from the canopy in the usual manner; and
- C. The size and white lettering suggest that the amount of illumination could be excessive; and
- D. There is an existing similar sign at the far end of the canopy, and it would be aesthetically pleasing to have both of the signs the same size; now

Therefore be it resolved that CB2 Manhattan recommends:

- A. Approval of the design of the sign provided that the interior lighting can be regulated with a dimmer to achieve an agreeable level of illumination; and
- B. That the applicant considers that the size of the sign be the same as the existing sign in the canopy.

Unanimous

2. *836-838 Broadway Application is for the replacement of the existing storefront with a new aluminum storefront system at the first floor at both Broadway and East 13th Street facades, which includes reconstruction of historic cast iron ornaments

Whereas:

- A. The building has a primary facade on Broadway and a secondary facade, considerably altered, on Crosby Street
- B. The original Broadway storefront infill was in wood with elongated windows as depicted in a historic photograph; and
- C. The proposal is to remove the bottom panels from the window openings to restore them to the original full length; and
- D. The 13th storefront is proposed to be restored to a configuration presumed to be close to the original; and
- E. The proposed transoms are not historically proportioned, the applicant's assertion that they should align with cast iron elements is not supported by the historic photographs, and the moulding is insufficiently thick, giving a non-historic appearance to the windows; and
- F. The unusually high glass doors are not of a historic design in wood and not in harmony with the building; and
- G. The louvers are modern and not in keeping with the historic character of the building and the applicant and the applicant agreed masking them with a metal grate designed in keeping with the architecture of the building as a masking; and
- H. Cast iron will be restored and missing portions will be reproduced; now

Therefore be it resolved that CB2 Manhattan recommends:

- A. Approval of the removal of the bottom panels of the windows on the Broadway facade and the general masonry and cast-iron restoration throughout and the restoration of cast iron elements; and**
- B. Approval of the louvers provided that they are covered with a grill of historic design as agreed by the applicant; and**
- C. Denial of the windows unless the transoms are larger and that the moulding is of a proper thickness; and**
- D. Denial of the glass doors unless they are in wood of a historic design and considerably shorter in historic proportions as depicted in the original photograph which will be achieved by lowering the transom.**

Unanimous

3. *687B Greenwich St. – Application to construct a rooftop addition.

Whereas:

- A. The house is one of a unified row of six similar houses on two sides of a private lane; and
- B. A prior application was approved by the commission for a similar addition which has been modified to conform to FDNY regulations; and
- C. The bulk, profile, and skylight are in harmony with the row and give the appearance of original construction; and

- D. The detailing and grey cladding material of the side (lot line) facades are not in harmony with the building and the row; and
- E. In the instance of a unified, intimate group of contemporary houses, unlike an addition to a historic row house, it is desirable that the addition give the appearance of original construction and this is easily achieved in that matching materials and techniques are available; now

Therefore be it resolved that CB2 recommends approval of the penthouse addition provided that the side (lot line) walls are in the same material as the houses to continue the harmony of the cluster of contemporary houses inspired by historic design.

4. ***122 MacDougal Street** – ~~The application is to install a stoop gate at the bottom of the building's entrance stairs.~~

Laid Over

Special Item - Discussion of the installations of CityBridge Link NYC 5-G Towers in landmarks districts and in proximity individual landmarked buildings outside the landmarks districts.

Anna Marcum - Village Preservation

Anna Marcum, Village Preservation Director of Research and Preservation presented a review concerning the proposed 5G towers, especially with respect to their installation in historic districts and in proximity to individual landmarks.

The project operates with considerable autonomy. The company and city agencies have been reluctant to share clear, detailed information and to hear the concerns of interested agencies, organizations and members of the public. The Landmarks Preservation Commission does not seem to have been involved in any meaningful way in discussions or decisions.

With this obscurity, the public information available is vague and incomplete.

Especially obscure is what actual degree of approval and oversight is possible by the Landmarks Preservation Commission. There has been virtually no public notices and no comment period. The information available contained a stipulation that any public comment is only advisory.

Village Preservation is continuing its quest to obtain clear information and is committed to ongoing advocacy for consideration of landmarks concerns relating to the project. Specifically, it is seeking more community engagement and clarity from those in charge about landmarks and residential district restrictions.

The links below from Village Preservation and members of the Board give background on the project.

**Links from Village Preservation:
CITY OF NEW YORK RESOURCES
OTI PRESENTATIONS**

<https://www1.nyc.gov/assets/designcommission/downloads/pdf/09122022-pres-OTI-pf-Link5G.pdf>

<https://www1.nyc.gov/assets/designcommission/downloads/pdf/10-18-2021-pres-DoITT-p-Link-5G.pdf>

RESOLUTIONS

<https://www.nyc.gov/assets/designcommission/downloads/pdf/minutes-9-12-22-rev-2.pdf#page=28>

AGREEMENTS

<https://www1.nyc.gov/assets/oti/downloads/pdf/mobile-telecom-franchises/extenet-systems-1-mtf-agreement-2020.pdf>

<https://www1.nyc.gov/assets/oti/downloads/pdf/linknyc-franchises/linknyc-public-communications-structure-franchise-agreement-amendment-3.pdf>

STATE OF NEW YORK RESOURCES

AUDIT

<https://www.osc.state.ny.us/press/releases/2021/07/dinapoli-examines-faltering-linknyc-program>

<https://www.osc.state.ny.us/files/state-agencies/audits/pdf/sga-2021-19n5.pdf>

INDEPENDENT REPORTING

NYTIMES ([Editorial Ethics](#))

<https://www.nytimes.com/2022/11/05/nyregion/nyc-5g-towers.html?smid=url-share>

<https://www.nytimes.com/2019/12/06/nyregion/linknyc-wifi-connections.html?smid=url-share>

<https://www.nytimes.com/2016/08/27/technology/personaltech/are-the-free-wi-fi-kiosks-on-new-york-streets-safe.html?smid=url-share>

<https://www.nytimes.com/2016/07/27/nyregion/link-nyc-wi-fi-kiosks.html?smid=url-share>

THE CITY ([Editorial Ethics](#))

<https://www.thecity.nyc/2022/4/27/23045122/link5g-free-wifi-tech-linknyc#:~:text=The%20city%20is%20expected%20to,28%2C%202020>

<https://www.thecity.nyc/2022/3/20/22985681/linknyc-5g-tower-lic>

<https://www.thecity.nyc/2020/3/3/21210474/city-hall-may-pull-plug-on-linknyc-owner-over-missing-kiosks-and-75m-owed>

VICE ([Editorial Ethics](#))

<https://www.vice.com/en/article/epzmvj/privacy-advocates-say-nycs-fix-for-the-digital-divide-is-a-hyper-surveillance-mess>

GOTHAMIST ([Editorial Ethics](#))

<https://gothamist.com/news/nyc-kills-internet-master-plan-for-universal-public-web-access>

<https://gothamist.com/news/nycs-plan-for-public-internet-paused-under-mayor-adams>

Following the presentation, there was considerable discussion by the committee and members of the board and testimony by the public. Without exception, the discussion and testimony was that the proposed towers as designed and built are not suitable to a landmarked district or in proximity to an individual landmark or in a residential area.

The Committee would expect that the company and city agencies and other entities with direct involvement in the project would be forthcoming with clear information about the project and that there

would be a system for through review by the Board with public hearings. Further, that LPC will be able to mandate public hearing by the Community Board in the usual manner of a public meeting by the Landmarks Committee and a recommendation from the Board to the Commission. It would be expected that the Commission's decision about the appropriateness of any construction in landmarks districts would be binding.

The lack of transparency of process here, particularly regarding siting, is deeply disturbing and it must be noted that opaque processes do not historically lead to positive outcomes in our community.

A handwritten signature in blue ink that reads "Chenault Spence". The signature is written in a cursive style and is contained within a thin blue rectangular border.

Chenault Spence, Chair

DRAFT

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



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

Community Board No. 2, Manhattan

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

The Cannabis Licensing Committee of Community Board 2, Manhattan, held a meeting at 6:30PM on Wednesday, January 11, 2023, via Video Conference.

In Attendance:

CLC Committee Members: Mar Fitzgerald (Chair), William Benesh, Antony Wong, Juan Osario, Patricia Laraia, Chris Dignes

Committee Members Absent with Notice: Cheryl Wu (Vice-Chair)

CB2 Board Members/Staff: Jeannine Kiely (CB2 Chair), Mark Diller (CB2 District Manager) Dr. Shirley H. Smith, Susan Kent, Carter Booth, Lois Rakoff, Natasha Avanesians, Donna Raftery, Valerie De La Rosa

Applicant: Roland Conner - Owner, Desmon Lewis - Chief Strategy, Public Relations & Community Outreach Officer, John Cutter & Robert Wise - Security

Elected Representatives: Andrew Chang (MBP Levine), Nicole Barth (CC Bottcher), Roy Ruiz (AM Glick)

Attendees:

Anna Williams, Barbara Backer, Barbara Cahn, Bobby Cuza, Catalina Gonella, Cheri Leon, Chickie Piazza, Colin Gillens, Cristina Buccola, David Hernandez, Elizabeth Zabitz, Evan Sweet, Jeffrey Rowland, Jeremy Schwartz, Jon Stein, Josh Tepperberg, Judith Callet, Kheperah Kearse, Laura Lugo, Lincoln Anderson, Lisa LamMargot Eisenberg, Mark Fiedler, Matthew Metzger, Maureen Remacle, Mceod Mceod, Mona Zhang, Paula Collins, Pete Davies, Phil Corso, Raymond Cline, Renee Monrose, Richard Klein, Robert Coyle, Robert Isacco, Russell Blount, Theresa Dobrash

Community Board 2 Manhattan Resolution • Smacked, LLC. January 2023

Item #1 Smacked, LLC. (Applicant), 144 Bleecker Street, NY, NY 10012 (New Dispensary Licence)

1. Whereas, Smacked, LLC. was granted a provisional license under the [Conditional Adult-Use Retail Dispensary \(CAURD\) program](#) to sell retail cannabis, approved by the [New](#)

[York State Cannabis Control Board](#) (OCM), and issued by the [New York State Office of Cannabis Management](#) (CCB) on November 21, 2022; and

2. Whereas, §119.2 10(b) [Proposed Adult-Use Cannabis Regulations](#) Authorizes municipalities to *“have 30 days from the receipt of the notification from an applicant to express an opinion for or against the granting of such registration, license or permit application, and any such opinion shall be part of the record upon which the Office makes its recommendation to the Board to grant or deny an application”*, and that this resolution shall serve as Community Board 2 Manhattan’s expression of that opinion regarding this license; and
3. Whereas, section §119.2 Authorizations for Municipality Rulemaking Of the CCB’s 11/21/2022 [Proposed Adult-Use Cannabis Regulations](#) States that, *“To the extent, the following is not unreasonably impracticable, the Board authorizes municipalities to pass local laws and regulations governing the time, place, and manner”*, of cannabis retail dispensaries and on-site consumption sites, including retail hours, traffic, odor and noise; and
4. Whereas, the Applicant, their representative, and security team appeared before Community Board 2, Manhattan’s CLC Committee to present an application to the NYS OCM/CCB for a new Adult-Use Retail Dispensary license to operate a dispensary in a mixed-use commercial and residential building at 144 Bleecker Street; and
5. Whereas, the storefront premise was previously a Duane Reade store, but has been vacant since 2016.
6. Whereas, this application, being subject to proximity rules, as defined by §119.4 of the [Proposed Adult-Use Cannabis Regulations](#), the subject premises is not within 1000 feet of any licensed cannabis establishments, 500 feet of buildings exclusively used as schools, or within 200 feet of buildings used exclusively as houses of worship; and
7. Whereas, the dispensary will utilize the ground and cellar level of the storefront premises, which is a mid-block location, on the north side of Bleecker Street, with a main entry door between LaGuardia Place to the east and Thompson Street to the west, as indicated on diagrams presented to CB2; and
8. Whereas, the premises has 4718 square feet of usable space which include 2285 square feet at ground level with 8 points of purchase, and 2433 square feet on the cellar level which will be used for offices, and storage. There is, currently, one bathroom; and
9. Whereas, the Applicant has no plans to structural make changes to the facade, and signage will be per OCM’s [Store Exterior and Outdoor Areas](#) guidelines (p 20, #26); and
10. Whereas, uniformed security will manage customer queues and steward the sidewalk in front of the premises to ensure pedestrian access; and
11. Whereas, a Letter of No Objection was provided by the Department of Buildings; and
12. Whereas, no music or sound will be audible in any adjacent residences at any time; and
13. Whereas, the Applicant has conducted significant outreach and positive engagement within the immediate community, which included residents, community groups, neighboring businesses, district electeds, and the local merchants association; and
14. Whereas, listed below are the details of the establishment’s operations as presented to Community Board 2 CLC Committee in the Applicant’s questionnaire and live testimony concerning the premises, as follows:
 - a) The premises will operate as a dispensary selling cannabis products per state law.
 - b) The dispensary’s retail operating hours are 10:00AM-10:00PM (84hrs/week). No patrons will remain after the stated closing times.
 - c) No sound will be audible in any adjacent residences at any time.
 - d) Will keep doors closed other than entrance and egress.
 - e) Patron ingress/egress will be through the front doors at 144 Bleecker Street only, and the dispensary security will prevent loitering and ensure that only individuals engaging in activity, expressly or by necessary implication, permitted by the Cannabis Law are allowed to remain on the premises of the licensee.

- f) Will have uniformed security personnel managing the queue, checking the IDs of patrons upon entry, and again at the purchase point, and will utilize stanchions and ropes as necessary.
- g) Will appear before CB2, Manhattan before submitting any changes to the stipulations agreed to herein as they comply with State regulations.

THEREFORE, BE IT RESOLVED that CB2, Man. recommends **approval** of the new Adult-Use Retail Dispensary License for SmackedLLC at 144 Bleecker Street, NY, NY 10012, provided that the above-stated conditions a-g as agreed to by the Applicant “*be part of the record upon which the Office makes its recommendation to the Board*” per §119.2 10(b) of the [Proposed Adult-Use Cannabis](#)

CLC Committee Vote: Unanimous - Yea/6 Nay/0 Abstention/0 Recusal/0

Resources/Links

Contact the Community Board 2 Cannabis Licensing Committee: <https://bit.ly/ask-clc>
NYS Cannabis Control Board: <https://cannabis.ny.gov/cannabis-control-board-meetings>
NYS Office Cannabis Management: <https://cannabis.ny.gov/>
Adult-Use Cannabis Information: <https://cannabis.ny.gov/adult-use-information>
Proposed Adult-Use Cannabis Regulations
<https://cannabis.ny.gov/system/files/documents/2022/12/adult-use-cannabis-proposed-regulations.pdf>
Guidance for Adult-Use Retail Dispensaries
https://cannabis.ny.gov/system/files/documents/2022/12/guidance-for-adult-use-retail-dispensaries_0.pdf
NYS CAURD Program: <https://cannabis.ny.gov/caurd-faq>
Submit a Public Comment on the Proposed Regulations: regulations@ocm.ny.gov
Report illicit activity/OCM Enforcement Unit: enforcement@ocm.ny.gov

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



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QUALITY OF LIFE COMMITTEE

January 2023

The Quality of Life Committee of Community Board #2, Manhattan held its monthly meeting on Monday, January 9th, 2023, at 6:00 p.m. via Zoom.

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

Public Members Present: Johanna Lawton, Karen Eckhoff

Committee Members Absent with Notification: None

Public Member Absent with Notification: None

Other CB2 Members Present: None

Street Activity Applications

FYI/Renewals:

1. **3/26/23 – Astor Place Spring Fair (sponsor: Women’s Democratic Club): Astor Place between Broadway and Lafayette St. (Full Street Closure)**

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: Adopted unanimously

2. **4/8/23 – CB#2 Spring Fair: Broadway between E. 8th and E. 14th St. (Full Street Closure)**

Whereas, CB2 Quality of Life committee members wished to explore the possibility of moving this annual event to a new location, preferably to a less busy street with less of a traffic impact; now

Therefore Be It Resolved that CB2 Manhattan recommends that this renewal application be **laid over** pending a discussion with the District Manager regarding possible alternate locations.

Vote: Adopted unanimously

Respectfully submitted,

William Benesh, Chair

DRAFT

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



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QUALITY OF LIFE COMMITTEE

January 2023

The Quality of Life Committee of Community Board #2, Manhattan held an additional monthly meeting on Tuesday, January 17th, 2023, at 6:00 p.m. via Zoom.

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

Public Members Present: Johanna Lawton, Karen Eckhoff

Committee Members Absent with Notification: None

Public Members Absent with Notification: Johanna Lawton, Karen Eckhoff

Other CB2 Members Present: Natasha Avanesians, Carter Booth, Katy Bordonaro, Amy Brenna, Valerie De La Rosa, Jeannine Kiely, Donna Raftery, Frederica Sigel, Dr. Shirley Smith, Shirley Secunda, Susan Wittenberg, Antony Wong

- 1. Resolution highlighting community concerns around the construction of Link5G towers and calling for a moratorium on the construction of such towers in Community District 2.**

Link5G Background

- 1. Whereas,** New York City, through its Office of Technology and Innovation (“OTI”), has contracted with CityBridge to install and operate a citywide wireless communications network, subject to a Public Communications Structure Franchise Agreement (“Franchise Agreement”); and
- 2. Whereas,** under the Franchise Agreement, CityBridge is seeking to install up to 2,000 “Link5G” towers, along sidewalks throughout NYC, with these 32-foot-tall towers providing free Wi-Fi to surrounding areas, containing space that can be rented to wireless carriers that can enhance their 5G networks, and with some of these towers containing advertising space analogous to the advertising space on existing LinkNYC terminals; and

3. **Whereas**, CityBridge has already commenced installing Link5G towers in Industrial and Commercial districts, and is now looking to expand the rollout to include Residential districts and Landmarked Historic districts; and
4. **Whereas**, CityBridge is required to site 90% or more of new Link5G terminals outside of Manhattan below 96th Street in order to fulfill its mandate of providing broadband equity and closing the digital divide, with additional requirements to site a certain number of terminals in identified “equity community districts”; and
5. **Whereas**, the remaining 5G terminals outside of this equity mandate, which include those terminals proposed for Community District 2 (“CD2”), are, according to CityBridge, sited subject to various other criteria including where 5G service carriers have indicated the need for additional capacity, and the ability to generate advertising revenue; and
6. **Whereas**, potential siting locations are subject to a range of siting criteria, with additional criteria applying to those being sited within landmarked historic districts; and
7. **Whereas**, Link5G only represents one component of NYC’s investment in 5G technology, with additional pole-top and roof-top 5G units under separate programs having already been rolled out and continuing to be rolled out extensively across the city; and

Initial Proposed Link5G Sites in CD2

8. **Whereas**, Representatives from OTI and CityBridge presented to Community Board 2’s Quality of Life committee on Tuesday, January 17th, 2023, to share the plan for the initial siting of Link5G kiosks in CD2 and to hear questions and concerns from the community; and
9. **Whereas**, there are currently nine initial sites provided by CityBridge / OTI that will be part of the initial rollout of Link5G in CD2; and
10. **Whereas**, five of the proposed nine locations are located within landmarked historic districts within CD2, with two locations (820 Greenwich St. and 771 Greenwich St.) located within the Greenwich Village Historic District, two locations (568 Broadway and 110 Prince St.) located within the SoHo-Cast Iron Historic District, and one location (113 Horatio St.) located within the Gansevoort Market Historic District; and
11. **Whereas**, the other four locations, while not located within a landmarked historic district, are in close proximity to such districts may be located in close proximity to individual landmarks as well; and
12. **Whereas**, these nine sites only represent the initial round of proposed sites within CD2, and other sites are likely to be proposed by CityBridge in the future; and

13. Whereas, it does not appear that CityBridge / OTI are complying with the established siting criteria set forth in the Franchise Agreement for several of the locations, and specifically there appear to be no certifications that installation of the Link5G towers will in no way damage existing vault structures, which are widely prevalent in the proposed areas for such towers and where specific adjacent property owners have expressed concerns; and

Significant and Wide-Ranging Community Concerns

14. Whereas, numerous residents of CD2 and elsewhere attended CB2 meetings and/or submitted written testimony to CB2 to express opposition and concern regarding the installation of Link5G towers within CD2, with virtually no community members expressing support for the installation of these towers; and

15. Whereas, the specific points of concern and opposition expressed by the community were wide-ranging, touching on areas including design & aesthetics (including specifically in relation to towers in landmarked districts and in proximity to individual landmarks), safety, privacy, maintenance, equity, and economics; and

16. Whereas, from a design & aesthetics perspective, community and board members felt that the towers were out-of-scale with the streetscape in CD2, and particularly out-of-character with the landmarked historic districts within CD2, and there was a general consensus that if the Link5G towers could not be prevented from being sited with CD2, that they should at the very least be re-designed; and

17. Whereas, with particular regard to towers sited in landmarked historic districts or in proximity to individual landmarks, there was uncertainty and concern amongst board and community members as to the exact LPC approval process and the amount of oversight that LPC and other agencies would have over the placement of Link5G towers and if there would be consideration of other alternative infrastructure that might better suit and be less obtrusive within landmarked historic districts which could also meet the established objectives; and

18. Whereas, from a safety perspective, there was community concern around the potential health impacts of electromagnetic radiation emitted by 5G towers, particularly within residential and mixed use districts, and that relying solely on FCC regulations without additional state or local oversight was not adequate; and

19. Whereas, from a privacy perspective, despite CityBridge being subject to a privacy policy under the Franchise Agreement, there was community concern that this was not an adequate protection, and that the Link5G system may be vulnerable to cyber threats; and

20. Whereas, from an engineering design perspective, concerns were raised regarding engineering challenges, both for design and structural placement of the Link5G towers, it being apparent that many variable subsurface conditions exist throughout the older historic portions of the city, particularly in areas that precede the historic city grid system with extensive vaults underneath many of CD2s Sidewalks; and

21. **Whereas**, there was community concern regarding the future maintenance of these towers, and that despite CityBridge’s obligation to maintain them, that they might fall into future disrepair; and
22. **Whereas**, there was confusion and concern expressed by community members regarding the stated equity goals of the Link5G program, that the towers being proposed for siting in CD2 did nothing to advance these goals, as CD2 already has an extremely high level of broadband access, and that resources would be better spent siting Link5G terminals in areas where they would be more impactful; and
23. **Whereas**, there was opposition voiced regarding economic aspects of the Link5G program, which, while purportedly being installed at no cost to the taxpayer, would allow private entities to profit off of public space with the city receiving, according to some publications, minimal shared profits; and
24. **Whereas**, while CB2 appreciates that OTI and CityBridge have been conducting significant public outreach regarding the Link5G program, there clearly remain a large number of unanswered questions that span these various areas of concern; and
25. **Whereas**, seeing no immediate need for the installation of Link5G towers within CD2 given existing levels of cell carrier coverage and broadband access, CB2 members agreed that in the light of extensive community concerns and unresolved questions around the Link5G program, there is no reason to continue with installation of the proposed towers in CD2 at this time; now

Therefore Be It Resolved that CB2 Manhattan calls for a moratorium on installation of Link5G towers in Community District 2 within all residential districts and mixed use districts which contain residential zoning, as well as within all landmarked historic districts and areas in close proximity to individual landmarks.

Therefore Be It Further Resolved that should the city elect to proceed with installation of Link5G towers in CD2, CB2 Manhattan calls for a robust engagement with community stakeholders and significantly more extensive public education, public input and community review process to address the community’s substantial range of questions and concerns.

Vote: Adopted unanimously

Respectfully submitted,

William Benesh, Chair