

Susan Kent, Chair
Valerie De La Rosa, First Vice Chair
Eugene Yoo, Second Vice Chair



Antony Wong, Treasurer
Amy Brenna, Secretary
Brian Pape, Assistant Secretary
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Greenwich Village ❖ Little Italy ❖ SoHo ❖ NoHo ❖ Hudson Square ❖ Chinatown ❖ Gansevoort Market

FULL BOARD MINUTES

DATE: July 20, 2023
TIME: 6:30 P.M.
PLACE: The Sheen Center for Thought and Culture, and via Zoom Video Conference

BOARD MEMBERS PRESENT IN PERSON: Susanna Aaron, William Benesh, Keen Berger, Carter Booth, Amy Brenna, Rich Caccappolo, Valerie De La Rosa, Chris Dignes, Mar Fitzgerald, Stella FitzGerald, Susan Gammie, Julian Horky, Wayne Kawadler, Susan Kent, Ryder Kessler, Jeannine Kiely, Patricia Laraia, Michael Levine, Matthew Metzger, Daniel Miller, Erika Olson, Brian Pape, Donna Raftery, Zach Roberts, Rocio Sanz, Shirley Secunda, Frederica Sigel, Emma Smith, Dr. Shirley H. Smith, Susan Wittenberg, Antony Wong, (31)

BOARD MEMBERS PRESENT VIA ZOOM (either by virtue of a disability or with leave of the Chair): Natasha Avanesians, Katy Bordonaro, Edward Ma, Chenault Spence, (4)

BOARD MEMBERS ABSENT WITH NOTIFICATION: Anita Brandt, Ritu Chattree, Cormac Flynn, Anne Hager, Zak Kazzaz, Ivy Kwan Arce, Juan Osorio, Lois Rakoff, Bo Riccobono, Kristen Shea, Cheryl Wu, Eugene Yoo, (12)

BOARD MEMBERS ABSENT: Akeela Azcuy (1)

BOARD MEMBERS PRESENT/ARRIVED LATE: (0)

BOARD MEMBERS PRESENT/LEFT EARLY: David Gruber (1)

BOARD STAFF PRESENT: Mark Diller, District Manager; Florence Arenas, Community Coordinator; Eva Mai, Community Assistant

ELECTED OFFICIALS AND REPRESENTATIVES: Mark Levine, Manhattan Borough President; Erik Bottcher, NYC Council Member, 3rd District; Brad Hoylman-Sigal, NYS Senator, 47th District; Deborah Glick, NYS Assembly-Member, 65th District;—Tevin Williams, U.S. Representative Dan Goldman's Office; Robin Forst, Mayor Eric Adams' Office; Tricia Shimamura and Andrew Chang, Manhattan Borough President Mark Levine's Office; Bianny Rodriguez, NYC Council Member Carlina

Rivera’s Office; Nicole Barth, NYC Council Member Erik Bottcher’s Office; Caroline Wekselbaum, NYS Senator Brad Hoylman-Sigal’s Office;-Stacie Johnson, Senator Brian Kavanagh’s Office; Jasper Scott, NYS Assembly Member Grace Lee’s Office; Roy Ruiz, NYS Assembly Member Deborah Glick’s Office; Peter Tse, Manhattan District Attorney Alvin Bragg’s Office

MEMBERS OF THE PUBLIC AND APPLICANTS: Bill Antalics; Mary Ann Arisman; Andrew Berman; Pete Davies; Anita Dickhuth; Brenden FitzGerald; Randy Fong; Susan Ginsburg; Valentine Goldstein; John Johnson; Darlene Lutz; David Mansfield; Michael Markowitz; Imogen McNamara; Eden Miller; Anne Mitcheltree; Renee Monrose; Lisa Pakulski; Lynn Pacifico; Eddie Panta; Joseph Renu; Jeffrey Rowland; John Stein; Jonesy Strell; Zack Winestine; Ronnie Wolf

MEETING SUMMARY

Meeting Date – July 20, 2023
 Board Members Present in Person – 31
 Board Members Present Via Zoom – 4
 Board Members Absent with Notification – 12
 Board Members Absent – 1
 Board Members Present/Arrived Late – 0
 Board Members Present/Left Early – 1

I. SUMMARY AND INDEX

ATTENDANCE 1
 MEETING SUMMARY 2
 SUMMARY AND INDEX 2
 PUBLIC SESSION 2
 ADOPTION OF AGENDA 3
 ELECTED OFFICIALS' REPORTS 3
 ADOPTION OF MINUTES 5
 BUSINESS SESSION 6
 Chair’s Report 6
 District Manager’s Report 6
 STANDING COMMITTEE REPORTS WITH RESOLUTIONS 7
 Landmarks and Public Aesthetics 7
 Land Use 13
 Quality of Life 14
 SLA Licensing 20
 Traffic and Transportation 51
 STANDING COMMITTEE REPORTS WITHOUT RESOLUTIONS 55
 Cannabis Committee 55
 Human Services 57

II. PUBLIC SESSION

Ann Mitcheltree

- Jamaica Jerk Food Cart, located in Astor Plaza on Tuesdays and Thursdays, includes a wood-fired smoker that is not good for air quality because it emits a huge amount of smoke that permeates the entire plaza.
- The smoke from the smoker endangers the health of nearby residents and businesses, including the newsstand operator and the weekly farmers market.
- The Community Board should determine how this smoker cart was approved.

Lisa Pakulski

- Concern for health and air quality impacts of the Jamaica Jerk Food Cart.

Joseph Rerher

- Elizabeth Street Garden – continuing the fight to preserve the Garden despite the recent court decision that ruled against the preservation of the Garden.

Darlene Lutz

- NYPD participation in “National Night Out” on Tuesday, August 1st.
- Every Precinct including the 1st Precinct will participate.

Zack Weinstein

- 5G Towers for WiFi and Cell service – 9 planned for CB2’s District so far.
- Rollout of installation of the towers has been a chaotic mess. There has been a failure of communication with neighborhoods and other interested parties.
- The FCC requires a Section 106 review of these towers the areas that are landmark historic districts or adjacent to individual landmark buildings.
- City Bridges, the installation contractor, based on a letter from the NY State Historic Preservation Office (SHPO) is agreeing to a temporary halt in the FCC review of the installation of these towers so that the process can be sorted out.
- Review is likely to resume in mid-September.

ADOPTION OF AGENDA

The agenda for the July 2023 meeting was unanimously adopted by acclamation.

III. ELECTED OFFICIALS AND REPRESENTATIVES REPORTS

Reports from Elected Officials:

Mark Levine, Manhattan Borough President

- The Borough President, partnering with City Council Member Keith Powers, and with the support of all Manhattan Community Board Chairs, have introduced four bills to address indoor air quality. They propose that the Department of Health collect information about indoor air quality to help us prepare for future challenges. The concern includes buildings whose windows do not operate, preventing access to fresh air. This information will be crucial when we face our next pandemic, as well as for planning for healthier living. This would be a first for any major American City.
- The Borough President’s Office has identified areas where the city needs to immediately understand and address the opportunities and threats of AI (Artificial Intelligence). Some areas to

explore include elections, schools, jobs, safety, medical care and more. There are positive effects in research and analysis, as well as the potential for negative effects, including creating content that appears genuine or scientific or unbiased but is not. The goal is to make NYC the national center of ethical and effective AI.

Deborah Glick, NYS Assembly Member, 66th District

- Now chairs the Environmental Conservation Committee; formerly chaired the Higher Education Committee.
- #1: Top priority for the next session is legislation for extended producer responsibility for environmental impacts, calling on the manufacturing and food industries to contribute into funds for recycling, and also to reduce the amount and weight of their packaging. The goal is to reduce waste while preserving health and safety, especially with respect to food and medicine. The fee is lowered as the weight of packaging drops but without encouraging the use of plastic.
- #2: Another priority is natural shoreline protection. NYS has eliminated 75% of its wetlands and that has increased flooding. Preference for natural shoreline protection barriers rather than hard structures such as walls.
- #3: Exploring how to make wind turbines less destructive to birds. NYC is in the Atlantic Flyway. Currently the FAA requires white-only wind turbines, into which birds crash regularly. Supporting the growth of wind power as a source of future jobs and power.

Erik Bottcher, NYC Council, 3rd District

- #1: Introduced and passed a bill to fine landlords that rent to unlicensed cannabis vendors. It will take effect on July 22.
- #2: Co-sponsored a bill to require NYC to launch five new crisis respite centers, which are designed for use after an emergency room visit for a mental health crisis. The goal is to stabilize those who come to the respite centers and ultimately get them into permanent housing.
- #3: Introduced mental health-focused legislation to establish five new club houses like Fountain House to combat isolation by creating communities with meaningful opportunities for interaction.
- #4: Introduced legislation relating to the urban forest canopy. The bill will require the Parks Department to develop a master plan to achieve 30% tree coverage throughout the five Boroughs. The goal is to help address environmental emergencies that the city will face in the future. Succeeded in securing \$100,000 in funding in the Budget for new/replacement street trees.
- Hosting an information session with the new “Rat Czar” Kathleen Corradi via Zoom – thanks to CB2’s Valerie De La Rosa for participating in a walking tour with the Rat Czar.

Brad Hoylman-Sigal, NYS Senate, 47th District

- #1: Will introduce legislation to require licenses for commercial e-bikes, which will supplement a bill already introduced to require the delivery apps to carry insurance as well as be responsible for penalties when a commercial e-bike hits a person.
- #2: Legislation passed in Albany to address illegal cannabis vendors includes funding for 37 additional enforcers. It allows OCM to conduct inspections and issue fines for unlicensed vendors.
- #3: Will try to get Sammy's law through the Assembly (it passed in the Senate last session) to protect bikes.

- Met with the Chief Judge of the Court of Appeals and is adding more judges to reduce the backlog of cases in the courts.
- Allocated funds in the Budget for additional ADA access to mass transit.

Reports from Staff Members of Elected Officials:

Office of Mayor Eric Adams – Robin Forst, Mayor’s Community Affairs Unit

- The Mayor appointed a new NYPD Commissioner – Edward Caban. Commissioner Caban is the first Latino to serve as Commissioner. Also congratulations to newly appointed First Deputy Commissioner Tanya Cancelli, and Rebecca Weiner, the Deputy Commissioner of Intelligence and Counterterrorism – the first women in these roles.
- The Open Streets program will return, with various locations closed to vehicular traffic on August 5, 12, and 19.

Office of Carlina Rivera, NYC Council – 2nd District – Bianny Rodriguez

- Introduced legislation to address lead-based paint in common areas of residential buildings.
- Capital funding from member items is now in place from the fiscal year 2024 budget, with funding for improved lighting on 14th Street; support for cultural institutions and schools.
- The Cube in Astor Place has been reinstalled, and once again can be rotated.

Office of Dan Goldman, U.S. Representative - 10th Congressional District – Tevin Williams

- Introduced the Early Voting Act, calling for 14 days of early voting nationwide.
- Working on a code of ethics for the US Supreme Court, with an independent investigative arm for implementation.
- Introduced new bill to provide a comprehensive suite of Medicaid mental health services.

Office of Brian Kavanagh, NYS Senate - 27th District – Stacie Johnson

- As the legislature is out of session, the Senator is hosting informational sessions about the MTA Metrocard phase out.
- The Senator will also be attending NYCHA Family Nights and participating in NYPD's National Night Out on 8/1.
- Participating in the NYS Senate summer reading program for students.
- The community can report illegal cannabis vendors to OCM – request that those making such reports then contact the Senator's office so that they can keep an eye on the follow-up to these reports.

Office of Grace Lee, NYS Assembly, 65th District – Jasper Scott

- Assembly Member Lee has been tabling every day across the district to continue community outreach.
- Working to help residents, especially seniors and those with disabilities, living in affordable housing to freeze their rent through enrollment in SCRIE and DRIE programs.
- Addressing the exploding e-bike batteries issue.

ADOPTION OF MINUTES

The June 2023 Full Board minutes were adopted by acclamation.

IV. BUSINESS SESSION

Chair's Report: Susan Kent:

- CB2 completed our first month of hybrid in-person/Zoom meetings, A challenge is that we meet as a full Board in different locations every month, which have differing infrastructure, access to WiFi, and other features.
 - please contact the District Office if you know of spaces that could be available especially for full Board meetings.
- Colleague John Paul DeVerna has resigned from full Membership on the Board and has applied to serve as a Public Member on the Land Use committee.
- From the Manhattan Borough Board meeting July 20th, there was a discussion of the NYC Right to Counsel Law. Tenants facing eviction have a right to counsel under NYC law – which can come into conflict with the administration of the Courts, which are State agencies.
 - since the end of the Covid emergency, more than 25,000 New Yorkers face eviction.
 - it is estimated that more than 80% would not be evicted if they had access to counsel.
 - The Borough President's Office is seeking support on the right to counsel availability from Community Boards.
- The Mayor's Community Affairs Unit is sponsoring a Neighborhood Award to honor NYC residents who are pillars of their communities serving in civic or tenant organizations over an extended period of time.

Treasurer's Report: Antony Wong:

- Fiscal Year 2023 is now closed.
- CB2 received \$5,643 in Street Fair revenue – which was higher than expected.
- Written report includes higher than originally expected amounts for certain expenses, including:
 - equipment – the Office purchased certain AV equipment to facilitate hybrid meetings;
 - professional services, mostly to pay for an independent contractor to assist with the District Office while another staff member was unavailable for medical reasons;
 - subscriptions and advertising, associated with posting and hiring a new District Manager.

District Manager's Report: Mark Diller:

- Warm thanks to the Sheen Center and its many staff members for welcoming CB2 for this meeting.
- Installation is beginning on “detection points” needed to implement the Congestion Pricing program – the MTA is doing its best to use existing poles and stanchions or to consolidate old structures with new to reduce the amount of additional street furniture.
- CB2 has purchased and received new equipment with a goal of creating a portable ability to stage hybrid in-person/Zoom meetings at locations with varying infrastructure and amenities. Unspent sums were transferred to fund the purchase of this equipment.
- The 12 Manhattan District Managers are collaborating on questions to pose to City Agencies as lead-in to the required District Needs Statements and associated Statements of Budget Priorities.
- The Section 106 review of installation of 5G towers for WiFi and cell service, which pertains only to installations in landmark Historic Districts or near individual landmarks, is temporarily paused.
- The Mayor's Office, together with the Department of Homeless Services, the Health & Hospitals Corporation, and the Office of Emergency Management, is reaching out and briefing Community

Boards on efforts to accommodate the deluge of arriving asylum seekers through housing, food assistance, medical care and schools.

V. STANDING COMMITTEE REPORTS WITH RESOLUTIONS

LANDMARKS AND PUBLIC AESTHETICS

FIRST LANDMARKS MEETING

1. *38-42 Commerce St. (Cherry Lane Theatre) – Application is to install new entry infill, signage and to repave certain areas

Whereas:

- A. The property is comprised of two adjoining buildings (a historic brewery and an apartment building) used as a theater and a restaurant; and
- B. The box office/entry infill in the restaurant building will be replaced with a small double hung window, a recessed painted metal and glass entry door 9' from the facade with a sidelight, small transom light, a curved wall within the recess and a small sign on the side wall; and
- C. The theatre doors, other street doors, and both existing and new window sash and frame are to be painted black or dark grey to recall the original condition as depicted in a photograph; and
- D. Modern sign boxes on either side of the theatre entrance are to be replaced by simple wooden signboards in keeping with the building; and
- E. There is a recessed roll down open link security gate for the restaurant entrance; and
- F. Two large modern sign boxes flanking the theatre entrance will be replaced with simple wood frames and glass; and
- G. The banner sign above the restaurant entrance is not original and detracts from the historic character of the building, and there is a distressed historic painted sign on the stone lintel over that entrance; and
- H. A section of the sidewalk in front of the buildings will be replaced with bluestone pavers which will extend into the entrance recess and through the door into the restaurant lobby and into the theatre vestibule; and
- I. The proposed can light fixtures are boldly modern and not appropriate to the historic building's façade; now

Therefore be it resolved that CB2, Man. recommends:

- A. **Approval** of the entry and box office design, historic style signs, historic paint colors, the sidewalk and entry paving; and

- B. **Denial** of the intrusive banner sign above the entrance as detracting from the historic character of the building and that measures be taken to conserve the painted sign on the lintel over the entryway; and
- C. **Denial** of the modern light fixtures and recommends that the existing fixtures be retained or replace with historically correct fixtures.

Vote: Unanimous, with 36 Board members in favor.

2. *829 Greenwich St. – Application is to alter the façades, insert a lot line window, and construct a small rooftop addition and rooftop solar panel canopy, serving to shade a rooftop deck.

Whereas:

- A. The existing condition is a front curtain wall, largely covered by a steel plate, and a similar rear curtain wall and a greenhouse structure on the roof; and
- B. There is significant water damage to the curtain walls and the building which have caused considerable deterioration; and
- C. The front steel plate is to be pierced by a random assortment of variously divided windows, some with rounded corners, arbitrarily placed both in the steel plate and side portions of the façade; and
- D. The rear wall is of horizontally aligned windows in punched openings on a stucco façade, and is not visible except for a small, enclosed area at the rear yard; and
- E. A small lot window is added to the top floor toward the rear of the building; and
- F. The ground floor entrance and garage entrance are to be moved forward to provide only a small recess for security; and
- G. The proposed rooftop solar canopy with thin supports covering a deck area, is less visible than the existing greenhouse and a small highly visible rectangular greenhouse is proposed at the southeast corner of the roof; and
- H. The canopy and the greenhouse framing are dark, giving a heavy appearance adjacent to the sky and would be more attractive in a lighter color; and
- I. The applicant has included high-performance equipment and windows, increased insulation and energy-conserving details, with roof solar-collector panels, following Passive House guidelines.

Therefore be it resolved that CB2, Man. recommends:

- A. **Approval** of the rear façade curtain wall, the lot line window, and the alterations to the entry and the garage door placement; and
- B. **Denial** of the front façade windows as eccentric and not in keeping with the building and having no reference to either the historic neighborhood or the adjacent industrial district; and

- C. **Approval** of the canopy design provided that the supports are given a more substantial appearance and that it is lighter in color; and
- D. **Approval** of a greenhouse provided that it is lighter in color and less assertive as a highly visible element; and
- E. The applicant is commended for including high-performance equipment and windows, increased insulation and energy-conserving details, with roof solar-collector panels, following Passive House guidelines.

Vote: Unanimous, with 36 Board members in favor.

3. *661-665 Broadway & 228-230 Mercer St.– Application is to replace north 665 Broadway storefront and add canopy, replace 228-232 Mercer St. storefronts, and add stairs at the 228 and 230 Mercer St. entrances.

Whereas:

- A. The three separate buildings were joined and operated as one building; and
- B. The Broadway building grade is considerably higher than Mercer Street, necessitating stairs or ramps for access from the Mercer Street side; and
- C. On the Broadway façade, decorative transom screens are to be removed and the transom over the entrance will have vertical louvers and the windows are reconfigured in a simpler form; and
- D. There is a canopy over the show window is recreated from a depiction in a historic photograph and is proposed to have LED downlighting; and
- E. At Mercer Street certain entry doors will be lowered to sidewalk level with interior lifts and two new cast iron stairs will be added; and
- F. Both entrances are to be fitted with ADA lifts and bulkheads are to be replaced with metal panels in keeping with the building; and
- G. Stone material will be used at Mercer Street façade to unite the appearance with the Broadway building; and
- H. The stairs and transoms above in one bay have prismatic glass which is harmonious with the design of the building and common in the district; and
- I. The cast iron throughout is to be restored and painted to match the existing color; and
- J. Signage will be installed at various locations and is to be approved by LPC staff; and
- K. A canopy in keeping with the building will be installed over the most prominent show window and it is proposed to have LED lights as the two exterior stairs which are proposed to have LED lighting below each tread which is inappropriate to the building; now

Therefore be it resolved that CB2, Man. recommends:

- A. **Approval** of the restoration, infill modifications, addition of two set of stairs on the Mercer Street side; and
- B. **Approval** of the canopy provided that it does not have illumination below; and
- C. **Denial** of the LED lighting along each tread at the two Mercer Street stairs

Vote: Unanimous, with 36 Board members in favor.

4. *338 W. 12th St. – Application is to reduce the existing 4th floor, construct a new rooftop stair bulkhead and mechanicals, construct a one-story rear yard extension and to alter the rear façade, excavate and alter within the horse-walk.

(Laid Over to the August 17, 2023, CB2 Landmarks Meeting)

SECOND LANDMARKS MEETING

5. *1 Bond St. – Application is to replace windows on the alley side of the building and install additional transom windows.

No presentation from the applicant was made and therefore there is no recommendation concerning the application.

Therefore, be it resolved that CB2. Man. recommends that the applicant appear before the Committee for a public hearing and a recommendation is made by the Board before the application is considered by the Commission.

Vote: Unanimous, with 36 Board members in favor.

6. *36 Perry St. - Application is to fully renovate and vertically and horizontally enlarge an existing 4-story townhouse and convert from multi-family to single-family occupancy.

Whereas:

- A. The house is one in row of similar, intact buildings, some of which have been modestly altered; and
- B. The proposal will restore the house from multiple apartments to the original single-family occupancy; and
- C. Restoration of the front façade, including replacing the front stairs and entrance, modeled on intact façades in the row, is being approved by Commission staff; and
- D. A dormer skylight, not original to the building, and a disused chimney are to be removed; and

- E. A modest zinc clad rooftop addition with French doors and the mechanical equipment are not visible from any public thoroughfare, there is a slightly visible required railing set back from the front façade, and the remaining chimney will be heightened to clear the rooftop addition; and
- F. Minor excavation in the cellar is well clear of the sides and front of the building; and
- G. The deteriorating rear wall will be demolished, and a new two-story basement and first floor addition extends 14'1" deep into the garden, and the upper floors are a brick wall in the original plane with salvaged or matching brick, punched non-historic French doors and casement windows which are similar the French doors and to the windows on the lower stories; and
- H. The rear addition has two story full height glass doors and windows with masonry side panels that are not equal in width and thereby creating an asymmetrical enframing that spoils any reference to the historic symmetrical style of the building; now

Therefore be it resolved that CB2, Man. recommends:

- A. **Approval** of the rooftop addition, chimney alterations, mechanical equipment and railing; and
- B. **Approval** of the modest cellar excavation; and
- C. **Approval** of the rear façade upper floors casement windows and French doors which carry through the style of the lower floors; and
- D. **Denial** of the asymmetrical rear lower floor enframing as destroying the symmetrical style of the building.

Vote: Unanimous, with 36 Board members in favor.

7. *122 Waverly Pl. – Application is to install a gate at the entrance steps and to excavate the rear yard to extend the cellar.

Whereas:

The applicant represented that the highly inappropriate tall areaway fence with spikes has been approved by the Commission staff while similar row houses in the district have fences of a more conventional height; and

- A. The proposed gate lacks any style and character and is not integrated into the structure but rather is attached to the front of the heavy masonry stair enclosure; and
- B. The rear yard is proposed to be fully excavated (approximately 25'x22') except for a planter (4'x22') at the rear lot line and rebuilt on several levels approximating the existing levels with the addition of a "spa pool" and Jacuzzi; and
- C. The excavation involves extensive invasion of party walls only in order to maximize the area of the underground rooms with intrusion of the cellar stairs (7'1") and adjacent to a carriage house in the rear of the neighboring garden (approx. 17') to the west and to a fence at the rear of the neighboring property to the east; and

- D. The excavation to the lot line in the garden, with its several levels and abutting the carriage house to the west, involves extensive engineering for both the underpinning of the carriage house, the wall of the house and fence to the east and for some system of retaining walls to ensure the stability of the neighboring gardens which are lower than the subject property garden; and
- E. The presentation materials do not address the lot line excavations and the complications of the multi-level garden and do not accurately represent the condition of the adjoining properties, including that the carriage house exists; and
- F. The application and the presentation were devoid of any reference to the underpinning and reinforcement necessary in the cellar and the garden and it was only when the question was raised by the chair that this was responded to; and
- G. The presentation was incomplete in that extensive, intense questioning was required of the applicant which elicited only vague, evasive responses concerning the steps that had been taken to address the extensive engineering matters concerning preservation of the integrity of the property and the adjoining properties; and
- H. The application was incomplete in that there was no documentation nor testimony from the applicant indicating that the engineering aspects of the extensive structural work required in connection with the excavation and rebuilding of the garden and the cellar stairs had been considered; and
- I. It was not able to be determined from the drawings if any excavation beyond the stairs would be required in the cellar;

Therefore be it resolved that CB2, Man. recommends:

- A. **That the Commission staff reconsider the approval** of the highly inappropriate tall, spiked fence at the areaway and, notwithstanding the tall fences in other, quite different buildings in the district, instead recommend a fence more in keeping with a historic design of the building and typical to the district; and
- B. **Denial** of the stair gate for its total lack of character or historic reference and its awkward placement with no attempt to integrate it into the building; and
- C. **Denial** of any consideration by the Commission of the application for the excavation and garden until the incomplete application is extensively revised, including accurate depictions of the conditions and of the proposed work and full engineering information explaining in detail the steps to be taken to ensure the ongoing integrity of the subject property and the neighboring properties and that this revised application is presented before a public hearing for recommendations by the Board to the Commission.

Vote: Unanimous, with 36 Board members in favor.

LAND USE

1. Resolution Continued discussion of affordable housing at 388 Hudson Street

Whereas:

1. In April 2023, CB2, Man. passed a resolution recommending that HPD clarify critical zoning analysis assumptions that currently limit the size and design options of any affordable housing development and asking that the agency pause further progress on the RFP until these critical threshold questions are resolved; and
2. CB2, Man. is pleased that HPD, in conjunction with the Department of Environmental Planning (DEP), NYC Department of Parks and Recreation (Parks), and Department of City Planning (DCP), reported on June 14, 2023, that they have made progress on expanding the parameters of the zoning analysis to potentially provide for more FAR and units in the affordable housing structure; and
3. As a result of the June 14th meeting, CB2, Man. has further requests and concerns, including:
 - a) The continued need to examine a variety of zoning possibilities that will lead to efficient use of the site and the optimal amount of 100% affordable housing;
 - b) The need to approach the architecture of this new important building creatively with a standard of design excellence that will complement and respect the adjacent Greenwich Village Historic District;
 - c) That the building must be efficient to maximize the use of the property and reflect the scale of the West Village neighborhood with massing and materials that are suitable for its proximity to St. Luke's Place, e.g. We prefer the scale and rhythm of punched openings with operable windows rather than a curtain wall glass tower with ribbon windows. To minimize the mass and scale, the design should utilize setbacks and maybe vary the building's heights. The need to provide for a public recreation center zoned as a community facility at the base of the building that covers the entire lot area, with at least three full floors for recreation space (in addition to a possible basement level), under the jurisdiction of Parks and available for use by neighboring public schools. We note that City Councilmember Erik Bottcher supports a year round recreational component at the site;
 - d) That HPD develop and share a back-of-the-envelope shadow study with CB2, Man. as soon as one is available; such a preliminary study would be useful in the design process to help evaluate the impact of the building's mass on shadows over the park to the north.
 - e) That HPD continue to broaden its outreach efforts to community groups, local individuals, surrounding schools, and nearby businesses and use multiple media in this outreach, such as flyers in the neighborhood, advertisements in the hyper-local print and online papers, postings on LinkNYC kiosks, and request distribution of the survey by local elected officials;
 - f) That HPD needs to coordinate their schedule with CB2's monthly meeting timeline to allow for adequate public review throughout the development process; and
 - g) That HPD needs to share the draft RFP with CB2, Man. for its review and feedback to HPD

before it is finalized.

Therefore, be it resolved that CB#2, Man. strongly recommends that:

1. NYC HPD analyze all the zoning options in order to maximize design flexibility and optimize the
2. amount of affordable housing at 388 Hudson Street; and
3. The new building be contextual with, and sensitive to, the Greenwich Village Historic District; and
4. The new building includes a NYC Parks recreation center of at least three floors at the base of the
5. building footprint; and
6. HPD broaden its outreach to groups and individuals outside the community board; and
7. HPD aim to align its milestone schedule with CB2's schedule; and
8. HPD share the draft RFP with CB2 for its review and feedback before it is finalized.

Vote: Unanimous, with 34 Board members in favor.

QUALITY OF LIFE: STREET ACTIVITIES

7/13/23 – Nothing NYC (sponsor: IDEKO): Gansevoort St. between 9th Ave. and Washington St. (curb lane only)

Whereas, British mobile phone provider Nothing is seeking to hold a pop-up event on the curb lane of Gansevoort Street to mark the launch of its new US product line; and

Whereas, the activation will feature a kiosk along with a product demo station in the curb lane in front of the Common Ground restaurant (which is partnering with the applicant for the launch event); and

Whereas, load-in will begin at 6 AM, with the activation itself taking place from 5 PM to 10 PM, and load-out completed by midnight; and

Whereas, the applicant has hired two security guards as well as a cleanup crew which will be on site for the event; and

Whereas, the event will not feature food and drink or amplified sound; and

Whereas, the event will be fully open to the public; and

Whereas, the applicant has minimal connection to Community District 2, having no stores in CB2, Man. nor in New York City as a whole; and

Whereas, CB2, Man. has long opposed the use of Gansevoort Plaza for purely commercial activations, and while this event is not taking place in the Plaza, but rather in a curb lane on an adjacent street, a similar principal applies; now

Therefore Be It Resolved that CB2, Man. recommends **denial** of **Nothing NYC**.

Vote: Unanimous, with 34 Board members in favor.

7/17/23 - MLK Scholars Harvard Social Change Collaboration (sponsor: New York University): West 4th St. between Washington Square West and Greene St. (curb lane only)

Whereas, the applicant, representing the MLK Scholars at NYU in collaboration with a similar program at Harvard, wishes to place one or two food trucks in the curb lane on West 4th Street to support a program and panel discussion which is happening inside adjacent NYU buildings; and

Whereas, the one or two food trucks would be parked in the curb lane near Gould Plaza from 6 PM – 8 PM on Monday, July 17th; and

Whereas, at least one of the two food trucks would be from a local business (Big Gay Ice Cream); and

Whereas, the event will not feature amplified sound; and

Whereas, the food trucks will remain open to members of the general public in addition to the NYU students participating in the program; now

Therefore Be It Resolved that CB2, Man. recommends **approval** of **MLK Scholars Harvard Social Change Collaboration**, **provided that** the applications conform with all applicable laws, rules, regulations, and clearance requirements.

Vote: Unanimous, with 34 Board members in favor.

7/21/22 - 7/22/23 - Burberry Summer Cart – SoHo 23 (sponsor: Amir Shayegan): Spring St. between Wooster St. and Green St. (partial sidewalk closure)

Whereas, fashion house Burberry is seeking to hold a small curb lane activation for 2 days (July 21st-22nd) in front of its Soho store located at 131 Spring Street; and

Whereas, the activation will feature a small cart in the curb lane directly in front of the Burberry store, from which Burberry staff will pass out free cold bottled beverages (non-alcoholic) to customers and passers-by; and

Whereas, the cart will be brought on site at 9 AM on July 21st, with the activation taking place from approximately 2-6 PM each day, and the cart being removed immediately following the activation on July 22; and

Whereas, security staff will be on site as well as Burberry staff to greet passers-by and assist with cleanup; and

Whereas, in addition to the cart, a small refrigerator truck will be parked in the curb lane, along with a small, 1-gallon generator that will be turned on to power the truck in the mornings but turned off during the activation itself; and

Whereas, the activation will not include amplified sound; now

Therefore Be It Resolved that CB2, Man. recommends **approval** of **Burberry Summer Cart – SoHo**, **provided that** the applications conform with all applicable laws, rules, regulations, and clearance requirements.

Vote: Unanimous, with 34 Board members in favor.

8/5/23 – Supergoop Summer Roadshow 2023 (sponsor: Promobile Kitchen): Broadway between Prince St. and West Houston St. (curb lane only)

Whereas, sunscreen brand Supergoop is seeking to hold a curb lane activation on August 5th consisting of a “food truck” style truck parked in the west curb lane in front of 575 Broadway; and

Whereas, the activation will consist of a 30-foot “food truck” style truck, but the truck will be used to distribute branded “Swoon” soft drink beverages, and no actual food will be served; and

Whereas, load-in for the event will begin at 10 AM, with the activation taking place from 12 PM through 5 PM, and load-out by 5:30 PM; and

Whereas, the truck being used for the activation is solar powered and the applicant does not expect to need a generator; and

Whereas, the applicant intends to have a recycling bin on site, with a crew which will pick up any additional garbage on the block following the activation; and

Whereas, local residents spoke in opposition to the event, citing the heavy crowding on the Broadway block chosen for the event; and

Whereas, applicant indicated potential flexibility in choosing an alternate location; now

Therefore Be It Resolved that CB2, Man. recommends **approval** of **Supergoop Summer Roadshow 2023, provided that** the applications conform with all applicable laws, rules, regulations, and clearance requirements, and **further provided that** the applicant move the event to a more suitable location off of Broadway.

Vote: Unanimous, with 34 Board members in favor.

8/15/23 – Aerie Gansevoort Plaza Activation (sponsor: Amir Shayegan): 13/14 Gansevoort Pedestrian Plaza (pedestrian plaza)

Whereas, apparel brand Aerie seeks to hold a one-day activation on the Gansevoort Plaza on Tuesday, August 15th; and

Whereas, the load-in will begin during the morning of Monday, August 14th, with the activation taking place from 12 PM to 6 PM on August 15th, and load-out completed by midnight; and

Whereas, the event is expected to take up the entire east side of the plaza, with a queuing area on the west side of the plaza, but leaving a portion of the west side open for public use; and

Whereas, the event will consist of a pop-up “flea-market” with the theme of “community for positivity,” an Aerie booth with sample products, dressing rooms, a branded archway with a greeter, a flower stand, and vendor booths/carts; and

Whereas, the applicant is partnering with local vendors to participate in the event’s vendor stands and carts, including Kobrick Coffee (located within CD2) and Mikey Likes it Ice Cream; and

Whereas, the event will not offer food or beverages, but the applicant does intend to hand out flyers promoting local coffee shop The Coffee Project, which has multiple locations in NYC including one at the LGBT Center on 13th Street; and

Whereas, the event will feature amplified sound, which is intended to consist of a DJ playing relaxed background music; and

Whereas, the event will feature 13 security officers on site during the day and 1 overnight between the load-in and event start, as well as sanitation partners on site to manage waste; and

Whereas, no actual clothing sales will take place at the event; and

Whereas, while CB2, Man. continues to generally oppose the use of the Gansevoort Plaza for commercial purposes, there was general support for the partnership with local vendors as well as the recognition that Aerie operates a physical store within CD2; now

Therefore Be It Resolved that CB2, Man. recommends **approval** of **Aerie Gansevoort Plaza Activation**, provided that the applications conform with all applicable laws, rules, regulations, and clearance requirements.

Vote: Unanimous, with 34 Board members in favor.

8/16/23 (date change) – Technology Launch Event (sponsor: Event Permits), Gansevoort St./W. 13th St./Gansevoort Pedestrian Plaza [full]

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

Therefore Be It Resolved that CB2, Man. recommends **denial** of **Technology Launch Event**.

Vote: Unanimous, with 34 Board members in favor.

9/10/23 - SHM Fundraiser (sponsor: Sephardic Heritage Museum, Inc.): Bond St. between Lafayette St. and Bowery (full street closure)

Whereas, the applicant is seeking a full street closure to hold a “fundraiser” event for the benefit of the Sephardic Heritage Museum, a collection of artefacts and archives documenting the history of Sephardic Jews and currently with no physical museum location; and

Whereas, load-in for the event will begin at 9 AM, with the event itself taking place from 12 PM to 6 PM, and load-out completed by 8 PM; and

Whereas, the event will feature an art installation, various food booths selling Sephardic foods, and a non-alcoholic beverage bar; and

Whereas, the event will feature amplified sound and a DJ with background music, but no live performances; and

Whereas, the applicant intends to have security detail located on site during the event; and

Whereas, the applicant stated that they intended to have 4-6 food vendors on site, hopefully partnering with vendors from the community, though the specific vendors had not been identified yet; and

Whereas, while the applicant stated that the event would be open for the public, they would be putting together invitations with RSVPs to try to gauge overall attendance, and would welcome passers-by into the event; and

Whereas, questions were raised by CB2, Man. members about the footprint of the event and its ability to fit into the street as currently designed while still maintaining the requisite 15-foot fire lane, to which the applicant responded that the footprint could be redesigned if needed; and

Whereas, the applicant had not yet contacted any residents/residential buildings on the block to discuss the proposed event; and

Whereas, the applicant was unable to give clear responses when asked about the connection of the event to the shoe brand Brunch, despite the SAPO application stating that the event was in collaboration with Brunch, the applicant having a Brunch email address in the application, and the presenter being listed on LinkedIn as a co-founder of Brunch; and

Whereas, Brunch previously held an unlicensed event in the same location without presenting said event to CB2, Man. or going through the required SAPO process, and with the applicant denying connection to this event despite the clear connection as referenced in the application and the applicant's background; and

Whereas, the applicant in general was further unprepared to answer other questions about the nature of the proposed event, in terms of the design, participants, and background / scope; now

Therefore Be It Resolved that CB2, Man. recommends **denial** of **SHM Fundraiser**.

Vote: Unanimous, with 34 Board members in favor.

9/11/23 (setup date), 9/14/23 (start date) – 9/24/23 (end date), 9/25/23 (breakdown date) – 97th Annual Religious Feast of San Gennaro (sponsor: Figli di San Gennaro, Inc.): 1) Mulberry St. between Canal St. and East Houston St., 2) Hester St. between Mott St. and Centre St., 3) Grand St. between Mott St. and Centre St. (full street closure)

Whereas, the Feast of San Gennaro is preparing to celebrate its 97th year in Little Italy; and

Whereas, setup for the festival will take place on September 11th-13th, with the festival itself running from Thursday, September 14th through Sunday, September 24th, and breakdown on Monday, September 25th, and;

Whereas, the running hours of the festival will be from 11 AM – 11 PM on Monday-Thursday and Sunday, and 11 AM – 12 AM on Friday and Saturday; and

Whereas, similar to previous years, restaurants located within the boundaries of the festival, whether or not they currently have outdoor seating areas under the Open Restaurants program, will be invited to

officially participate in the festival at a 50% discount, though no restaurants within the festival boundaries can be officially compelled to participate; and

Whereas, the majority of restaurants within the boundaries of the festival have previously participated in the festival, estimated to be at around a 90% participation rate previously, and the applicant believes they will ultimately have a high level of restaurant participation similar to previous years; and

Whereas, the applicant is expecting around 200-250 total vendors, similar to previous years; and

Whereas, the applicant has expanded the event committee from previous years, maintaining the same core team that has been involved for the last 30 years, but now with an 18-person working committee; and

Whereas, a full walkthrough will take place ahead of the event, similar to previous years, and CB2 expects to be invited to the walkthrough as it has been previously; and

Whereas, NYPD will continue to be heavily involved in the fair as they have been in the past; and

Whereas, though the applicant noted that they had not received many major complaints last year, especially given the size and scope of the event, certain issues / concerns were identified by CB2 members and members of the public, which should continue to be addressed by all stakeholders as planning continues for the event, including:

- Ensuring that the garbage trucks which cart away trash at the end of the day are not scheduled to come too late at night – these trucks are meant to come between 11:30 PM and midnight, but there were some complaints that these trucks came as late as 1 AM or 2 AM on some days last year
- How to deal with restaurants operating illegal bars and selling takeaway drinks on the street, which occurred during last year’s festival, some of which may be restaurants that are not official participants in the San Gennaro festival
- Whether it would be possible to get vendors to bag (and possibly place in a can / bin) their own trash to help deal with waste management and to prevent trash from piling up on the street
- Whether or not the new waste rules for restaurants, requiring containerization and coming into effect on July 30th, would apply during the fair, and if so how to manage the impact of these rules
- Whether it would be possible to keep 50% of the cross streets clear in order to allow for emergency access and to prevent overcrowding
- How to deal with noise complaints regarding various vendors, including restaurants not participating in the fair; and

Therefore Be It Resolved that CB2, Man., recommends **approval** of **97th Annual Feast of San Gennaro, provided that** the applications conform with all applicable laws, rules, regulations, and clearance requirements.

Vote: Unanimous, with 34 Board members in favor.

FYI: Renewals

1. 8/19/23 – Bleecker St. Summer Fair (sponsor: Our Lady of Pompeii Church): 1) Bleecker St. between 6th Ave. and 7th Ave. South, 2) Carmine St. between 6th Ave. and Bedford St. (full street closure)

2. 8/20/23 – 134th Annual Feast of St. Rocco Block Party (sponsor: St. Rocco Society of Potenza Inc.): Baxter St. between Hester St. and Canal St. (full street closure)
3. 8/26/23 – Broadway Festival (sponsor: Greenwich Village Chamber of Commerce): Broadway between Waverly Pl. and East 14th St. (full street closure)
4. 8/27/23 – 4th Avenue Fair (sponsor: Transportation Alternative): 4th Ave. between East 9th St. and East 14th St. (full street closure)
5. 9/2/23 – Broadway Village Fair (sponsor: Congress of Racial Equity): Broadway between Waverly Pl. and East 14th St. (full street closure)
6. 9/2/23 – 9/10/23 – Washington Square Outdoor Art Exhibit: University Pl. between Waverly Pl. and East 13th St. (sidewalk and street closure)
7. 9/9/23 – Washington Square Arch Fair (sponsor: 6th Police Precinct Explorers): Washington Square North between University Place and Fifth Ave. (full street closure)
8. 9/9/23 – 8th Street Block Party (sponsor: Village Alliance): West 8th St. between Fifth Ave. and Ave. of the Americas (full street closure)
9. 9/17/23 – The Urban Bear Street Festival (sponsor: Community Health Project Inc. dba Callen Lorde Community Health Center): Little West 12th St. between 10th Ave. and Washington St. (full street closure)

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

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

Vote: Unanimous, with 34 Board members in favor.

SLA LICENSING

1. **Kabisera Kape LLC dba Kabisera, 261-267 Canal St, Stall 11–Food Hall 10013 (RW–Restaurant)**
 - i. **Whereas**, the Applicants appeared before Community Board 2, Manhattan’s SLA Committee #1 to present an application to the NYS Liquor Authority for a Restaurant Wine license for a Filipino restaurant located in the Canal Street Market, an indoor market located on the ground floor of an M1-5/R10-zoned, six (6)-story mixed-use building (c. 1857) on Canal Street between Lafayette Street and Cortlandt Streets (Block #209/Lot #28), the building falling within NYC LPC’s designated SoHo-Cast Iron Historic District Extension and the Special SoHo-NoHo Mixed Use District; and
 - ii. **Whereas**, the premises is roughly 400 sq. ft. comprised of the ground floor restaurant connected by an interior staircase to the basement, there is no patron use of the basement; there there is a common seating for the food hall consisting of 50 seats; there are four (4) entryways serving as both patron ingress and egress and two (2) bathrooms; there will be no sidewalk café or roadbed seating; and
 - iii. **Whereas**, the hours of operation will be from 11 AM to 12 AM Sundays through Saturdays (7 days a week); music will be quiet background only consisting of music from iPod/CDs/streaming services); there will be two (2) TVs operating in closed-caption mode; there will be no dancing, DJs, no live music, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and

- iv. **Whereas**, the premises had previously been licensed and operated in a similar manner; 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 Restaurant Wine License, with those stipulations as follows:
1. Premises will be advertised and operated as a full-service Filipino-inspired restaurant within a food hall with the kitchen open and full menu items available until closing every night.
 2. The hours of operation will be 11 AM to 12 AM Sundays through Saturdays (7 days a week). All patrons will be cleared and 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 play quiet ambient recorded background music only. No music will be audible in any adjacent residences anytime.
 5. Will have no more than two (2) television(s) no larger than 55". There will be no projectors and TV will operate in "closed.
 6. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
 7. Will not have unlimited drink or unlimited food and drink specials. Will not have "boozy brunches."
 8. There will be no "bottle service" or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
 9. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
 10. Will not have: dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel/ door staff.
 11. Will not change principals prior to submission of original application to the NYSLA.
 12. Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.
 13. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.
- vi. **Whereas**, this application being for the service of Beer and Wine only and thus not subject to the 500 Foot Rule; and

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of the application for a Restaurant Wine License for **Kabisera Kape LLC dba Kabisera, 261-267 Canal St, Stall 11–Food Hall 10013**, unless the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the "Method of Operation" on the NYSLA Liquor License.

Vote: Unanimous, 35 Board Members in favor.

2. **Italia Like Locals Inc, 171 Canal St 3rd Fl 10013** (Catering Establishment–Wine) (*previously unlicensed*)
- i. **Whereas**, the Applicant and the Applicant's attorney appeared before Community Board 2, Manhattan's SLA Licensing Committee #1 to present an application to the NYS Liquor Authority for

a Catering Establishment Wine License to operate a cooking school on the third floor of a C6-1G-zoned, five (5)-story, commercial building (circa 1910) on Canal Street between Elizabeth and Mott Streets (Block #204/Lot #29), within the building falling with the Special Little Italy District; and

- ii. **Whereas**, the premises is approximately 800 sq. ft. on the third floor and has been operating as a cooking school / event space since at least 2022, the seating arrangement varies depending upon events but there are not more than 40 persons per event; the premises has one (1) door which will serve as patron ingress and egress and one (1) bathroom; and
- iii. **Whereas**, the Applicant's hours of operation are 9 AM to 11 PM Saturdays through Sundays (7 days a week), music will be quiet background only at all times consisting of music from iPod/CD's/streaming services, there will be no dancing, no DJ's, no live music, no scheduled performances, no cover fees or promoted events, no televisions, no velvet ropes or metal barricades, no security personnel/door staff; and
- iv. **Whereas**, there were various concerns about the application, one being the certificate of occupancy not permitting eating and drinking but instead listing the 3rd floor use as one family apartment, questions arising as to whether this use was permitted; the Applicant's social media showing posts of events with wine, alcohol, DJs and dancing, the Applicant and attorney stating that the Applicant erroneously thought patrons could bring their own liquor, that they are applying for this Catering Establishment Wine License to rectify the situation and will no longer be serving spirits; the Applicant was initially unclear as to whether the method of operation once the Applicant obtained the wine license would be as a cooking school and events specifically centered on cooking classes or if the space would be both a cooking school and general event space, the Applicant clarifying that all events would be centered around cooking classes; and
- v. **Whereas**, there were also concerns regarding inadvertent access to other floors of the building, there being a single common stairway providing the only means of ingress and egress for all the tenants of the building, the Applicant stating that all of their guests will be greeted downstairs at the building entrance and escorted up to the premises, as they have currently been doing; and
- vi. **Whereas**, this application being for the service of Beer and Wine only and thus not subject to the 500 Foot Rule; 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 new Catering Establishment Wine License, with those stipulations with respect to the premises, as follows:
 - 1. Premises will be advertised and operated cooking school and event space focused on the booking of cooking classes only.
 - 2. The hours of operation will be 9 AM to 11 PM Saturdays through Sundays. No patrons will remain after stated closing time.
 - 3. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of the 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 temporary Open Restaurants program.

5. Will play quiet ambient recorded background music only. 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 ensure guests are met downstairs and escorted to 3rd floor cooking school upon arrival and when departing so as to avoid inadvertent access to other floors of the building.
9. Will provide a Letter of No Objection or Certificate of Occupancy permitting eating and drinking for third floor premises proposed to be licensed prior to obtaining the liquor license which currently lists occupancy as a 1 family apartment.
10. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
11. Will not have: dancing, DJs, live music, promoted events, any event where a cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel/door staff.
12. Will not change principals prior to submission of original application to the NYSLA.
13. Will appear before CB2, Man. prior to submitting any 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 CB2, Man. recommends **denial** of the Restaurant Wine license for **Italia Like Locals Inc, 171 Canal St 3rd Fl 10013**, **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the NYSLA Liquor License.

Vote: Unanimous, 35 Board Members in favor.

3. Little Lucky’s LLC dba TBD, 224 Lafayette St 10012 (OP–Restaurant)

- i. **Whereas**, the Applicant and the Applicant’s attorney appeared before Community Board 2, Manhattan’s SLA Licensing Committee #1 to present an application to the NYS Liquor Authority for an On-Premises Liquor License to operate an iconic Malibu Steakhouse restaurant on the ground floor of a M1-5B/R7D-zoned six (6)-story mixed-use building (c. 1900) on Lafayette Street between Kenmare and Spring Streets (Block #482 / Lot #24), the building falling within the Special SoHo-NoHo Mixed Use District; and
- ii. **Whereas**, the ground floor premises is roughly 910 sq. ft.; there will be 11 tables and 32 seats and one (1) bar with 13 seats for a total interior seated patron occupancy of 45 seats; there is one (1) entryway serving as patron ingress and egress and two (2) patron bathrooms; and
- iii. **Whereas**, there will be a sidewalk café operating under the temporary Open Restaurants program, the sidewalk café located adjacent to the building leaving a clear path of 8' and consisting of four (4) tables and eight (8) patron seats on Lafayette Street; all sidewalk seating will end at 10:00PM; and
- iv. **Whereas**, the hours of operation will be from 10 AM to 10 PM Sundays and 10 AM to 12 AM Mondays through Saturdays; music will be quiet background music only consisting of music from iPod/CD’s/streaming services; restaurant will operate primarily as a reservation-only establishment, there will be no: dancing, DJs, promoted events, scheduled performances or cover fees, velvet ropes, movable barriers or security personnel; and

- v. **Whereas**, the premises to be licensed was previously licensed under Molly Piccon LLC dba Jacks Wife Freda (SN#1268274) since 2013 with a similar method of operation; and
- vi. **Whereas**, one of the principals lives in the area and has been a Manager for the past 15 years at other establishments in the district, the instant application being the concept of her father who established the Lucky's brand in Montecito, CA and is also a principal of the instant application, this application being to bring the brand to NYC; and
- vii. **Whereas**, there were concerns from residents in attendance that there had been no outreach to the Broadway Residents Coalition, a local block association, there was no one from the public to speak either for or against the application; and
- viii. **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 76 active licensed premises within 750 feet of the subject premises, in addition to 6 pending licenses, the Applicant having reasonable closing hours with background music only, with the agreed upon stipulations being reasonable, the public interest being established albeit subject to the Applicant and Licensee abiding by those agreed upon stipulations; and
- ix. **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 Malibu Steakhouse, bringing the brand from California to NYC, with the kitchen open and full menu items available until closing every night with the kitchen open and full menu items available until closing every night.
 2. The hours of operation will be 10 AM to 10 PM Sundays and 10 AM to 12 AM Mondays through 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 leaving a minimum clearance of 8' to the curbside for pedestrian passage with no more than 4 tables and 8 patron seats. No roadbed seating.
 5. Will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at any time.
 6. Will not have televisions.
 7. 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.
 8. Will close all doors and windows at all times, allowing only for patron ingress and egress.
 9. Will not install or have French doors, operable windows or open facades.
 10. Will not make changes to the existing façade except to change signage or awning.
 11. Will comply with NYC Department of Buildings Regulations and will keep current at all times required Permits and Certificates.
 12. Will not have unlimited drink or unlimited food and drink specials. Will not have "boozy brunches." No pitchers of beer.

13. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
14. Will not have any of the following: dancing, DJs, live music, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades or doorman or security personnel.
15. Will not change principals prior to submission of original application to the NYSLA.
16. Will appear before CB2, Man. 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 On-Premises Restaurant Liquor License in the name of **Little Lucky’s LLC dba TBD, 224 Lafayette 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 Liquor License.

Vote: Unanimous, 35 Board Members in favor.

4. Six Square Management LLC dba Yawning Cobra, 356 Bowery 10012 (OP–Tavern)

- i. **Whereas**, the Applicants appeared before Community Board 2, Manhattan’s SLA Licensing Committee #1 to present an application to the NYS Liquor Authority for a new On-Premises Liquor License to operate a relaxing speakeasy with an Oriental vibe in cellar and sub-cellar of a M1-6/R10-zoned, five (5)-story tenement style building (c. 1832) on the Bowery between East 3rd and East 4th Streets (Block #531/Lot #39), the building falling with the Special Little Italy District; and
- ii. **Whereas**, the cellar premises is approximately 1,650 sq. ft.; (1,300 sq. ft in the cellar connected to a 350 sq. ft. sub-cellar with no patron use of the sub-cellar), there will be six (6) tables and 24 seats and one (1) bar with 15 seats and one (1) counter with four (4) seats for a total seated patron occupancy of 43; the premises has one (1) door which will serve as patron ingress and egress and one (1) bathroom, the premises is accessed via an exterior stairwell; and
- iii. **Whereas**, the hours of operation will be from 5 PM to 1 AM Sundays through Saturdays (7 days a week); music will be quiet background music only consisting of music from iPod/CD’s/streaming services; there will be no: dancing, DJs, promoted events, scheduled performances or cover fees, velvet ropes or movable barriers, there will be security personnel positioned downstairs by the entryway; there will be no sidewalk café or roadbed seating operating under the temporary Open Restaurants program; and
- iv. **Whereas**, the premises to be licensed was previously licensed as Bowery Time LLC And Aguila & Sol LLC as Manager dba Hecho En Dumbo/King Cross (SN#205823) from approximately 2009–2018; and
- v. **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 58 active licensed premises within 750 feet of the subject premises, in addition to 2 pending licenses, the premises having been vacant for a number of years, the Applicants presenting a clear

vision for the premises proposed to be licensed with reasonable closing hours and background music only, with the agreed upon stipulations being reasonable, the public interest being established albeit subject to the Applicant and Licensee abiding by those agreed upon stipulations

vi. **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 speakeasy with a “cozy, Oriental vibe” with less than a full service kitchen but will have the full food menu available during all hours of operation.
2. The hours of operation will be 5 PM to 1 AM Sundays through Saturdays. No patrons will remain after stated closing time.
3. Will not operate as a Sports Bar or allow any portion of premises to be operated in that manner.
4. Will not operate a backyard garden or any other outdoor area including any sidewalk café and/or roadbed seating for commercial purposes now or in the future.
5. Will play recorded background music only. 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 will keep current at all times required Permits and Certificates.
11. Will provide a Letter of No Objection or Certificate of Occupancy permitting eating and drinking for store front premises proposed to be licensed prior to opening.
12. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
13. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
14. Will not have any of the following: dancing, DJs, live music, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades.
15. Will not change principals prior to submission of original application to the NYSLA.
16. Will appear before CB2, Man. 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.

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a new On-Premises Tavern Liquor License in the name of **Six Square Management LLC dba Yawning Cobra, 356 Bowery 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 Liquor License.

Vote: Unanimous, 35 Board Members in favor.

5. Astor Entertainment LLC, 163 Bleeker St 10012 (OP–Restaurant)

i. **Whereas**, the Applicant and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Licensing Committee #1 to present an application to the NYS Liquor Authority for

an On-Premises Restaurant Liquor License to operate a full-service restaurant and music venue on the cellar, ground floor, mezzanine and 2nd floor (the entirety of the building) of a R7-2/C1-5-zoned, two (2)-story building (c. 1892, currently being rebuilt) on Bleecker Street between Sullivan and Thompson Streets (Block #543/Lot #10), the building falling within NYC LPC's designated South Village Historic District; and

- ii. **Whereas**, the premises is approximately 9,500 sq. ft. consisting of 2,500 sq. ft. on the cellar, 2,500 sq. ft. on the ground floor, 2,500 sq. ft. on the mezzanine and 2,000 sq. ft. on the 2nd floor, the floors are connected by an interior stairway, use of the cellar will be for kitchen, office and a green room for artists – there will be no patron use of the cellar; there will be approximately 23 tables with 114 seats and one (1) bar with 17 seats on the ground floor and 8 tables with 32 seats and one bar with no seats on the mezzanine for a total seated occupancy of 163 persons and a maximum occupancy for the premises of 180 persons; the premises has one (1) door which will serve primarily as patron ingress and one (1) door which will serve as patron egress and five (5) bathrooms; there will be no sidewalk café or roadbed seating operating under the temporary Open Restaurants program; there is a terrace on the 2nd floor which is not part of the licensed premises and will be used by office staff only no later than 9 PM; the storefront infill being fixed without operable windows or French doors; and
- iii. **Whereas**, the hours of operation will be from 12 PM to 1 AM Sundays through Wednesdays and 12 PM to 2 AM Thursdays through Saturdays; all meal service will occur in conjunction with a ticketed, reservation-only live music show and vice versa (“dinner/brunch and a show”), the restaurant will not operate independent of live music events; there will be no dancing, no DJs, no 3rd party promoted events and no cover bands; and
- iv. **Whereas**, for approximately the past nine years the principal has also been the principal of WHANY LLC dba Café Wha (SN#1280246), a well-known music venue located a few blocks away located at 115 McDougal Street and has a history of working with the community; and
- v. **Whereas**, the applicant first appeared with this application in June/2023 at which time concerns were raised about the impacts of adding a ticketed, live music venue mid-block on Bleecker Street, the area already inundated with restaurants, many having live music acts, with impassable sidewalks all through the day and evening, there being no space for lines to form; additional concerns regarding safety were also raised as this part of Bleecker Street currently has many enclosed roadbed dining structures in addition to sidewalk cafés, the moving part of the roadway becoming very narrow, this exact location being the site of a five alarm fire on May 22/2021 which completely engulfed the building, the Uniformed Firefighters Association tweeting that the dining sheds hindered the ability of fire trucks to get to the fire fast, the fire causing the loss of a beloved Chinese restaurant, Uncle Ted's (SN#1270292), which had been at the location for approximately 40 years with significantly less seating and impact; and
- vi. **Whereas**, while this area has been known for establishments with musical acts over the years, the quality of life concerns for area residents regarding the noise impacts of adding another 155 persons waiting on the sidewalk 2x/evening and those persons all exiting at the same time was also raised significant impact, that due to the change in the exterior street scape over the past years including roadbed dining, the number of venues with open doors and blaring loud music is very different than the quieter folk and acoustic music of years ago, a time when there were also less venues and not the other exterior impacts of noise created by the sidewalk cafés and roadbed dining, all causing significant impacts on quality life for the area residents; and

vii. Whereas, the Applicant hearing all the concerns asking to lay the application over to this month in order to work on a plan to mitigate traffic and sidewalk congestion, returning this month with a plan for queuing patrons on the sidewalk before shows, particularly between the 1st and 2nd show, plans to open an hour before the 1st show so that patrons can enter early to mitigate lines at that time, planning to use a separate door for patrons exiting after a show to help with any sidewalk congestion at the front of the premises and having dedicated staff outside to manage any lines; and

viii. Whereas, this application being subject to the 500 foot rule requiring the Applicant to demonstrate that the public interest and public convenience would be served by the granting of a liquor license at this location, where there already is a significant number of licensed establishments in the immediate area, there being 113 active licensed premises within 750 feet of the subject premises, in addition to 11 pending licenses, the Applicant having already purchased the building, having thorough plans for soundproofing the premises, the Applicant being the sole occupant of the building and the instant application occupying all floors of the building, the Applicant having another establishment in the immediate area for many years and being a known member of the community, the Applicant agreeing to and executing a stipulations agreement with Community Board 2 Manhattan for the sole purpose of establishing public interest, the stipulations being attached to and incorporated into the “Method of Operation” of the On-Premises Liquor License, with those stipulations as follows:

1. Premises will be advertised and operated as a full-service restaurant and music venue (dinner with a show) with the kitchen open and full menu items available until closing every night.
2. The hours of operation will be 12 PM to 1 AM Sundays through Wednesdays and 12 PM to 2 AM Thursdays through 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 other outdoor area for commercial purposes including any sidewalk café and/or roadbed seating operating under the Open Restaurants program.
5. Will operate as a ticketed venue only
6. Will soundproof the venue so as no music will be audible in any adjacent residences at any time.
7. Will have no more than 2 television(s) no larger than 60". There will be no sports programming broadcast.
8. Will have security Thursday to Saturday and other times as needed.
9. Will have security or staff stationed on the exterior every night to manage patron line and to ensure there is a minimum 7' pedestrian clear path on the sidewalk and that all line management conforms to the attached diagram (*presented at the July/2023 SLA Committee meeting*) and that there is no smoking by patrons in line.
10. Will close all doors and windows at all times, allowing only for patron ingress and egress.
11. Will not have patron occupancy/service to any portion of the basement or the second floor of licensed premises.
12. Use of second floor terrace will be for office staff only and will end no later than 9 PM daily. There will be no smoking, no service of alcohol, no music and no speakers on outside terrace.
13. Will not install or have French doors, operable windows or open facades.
14. Will comply with NYC Department of Buildings Regulations and will obtain Place of Assembly Certificate and keep current at all times required Permits and Certificates.
15. Will provide a Letter of No Objection or Certificate of Occupancy permitting eating and drinking for store front premises proposed to be licensed prior to opening.
16. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.

17. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
18. Will not have any of the following: dancing, DJs, live music or 3rd party promotors (all promotion is internal).
19. Will not change principals prior to submission of original application to the NYSLA.
20. Will appear before CB2, Man. 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 an On-Premises Restaurant Liquor License in the name of **Astor Entertainment LLC, 163 Bleecker 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 Liquor License.

Vote: Unanimous, 35 Board Members in favor.

6. Uchi New York 206-210 Elizabeth Street fka Entity to be formed by Todd D. Reppert, 204-206 Elizabeth St 10012 (OP–Restaurant) (previously unlicensed)

- i. **Whereas**, the Applicant and the Applicant’s attorney appeared before Community Board 2, Manhattan’s SLA Licensing Committee #1 to present an application to the NYS Liquor Authority for an On-Premises Restaurant Liquor License to operate Japanese and sushi restaurant with enclosed courtyard on the ground floor, cellar and sub-cellar of a C6-2-zoned, four (4)-story commercial building (c. 1900, renovated 2006) (Block #492/Lot #10), the rear courtyard being located in the rear ground floor of the adjacent C6-2-zoned, six (6)-story commercial building (c. 1922) (Block #492/Lot #8) both buildings located on Elizabeth Street between Prince and Spring Streets, the buildings falling within the Special Little Italy District; and
- ii. **Whereas**, the ground floor premises is roughly 9,000 sq. ft.; consisting of 4,200 sq. ft. on the ground floor, 2,700 sq. ft. on the cellar, 1,000 sq. ft. on the sub-cellar and 1,000 sq. ft. on the adjacent courtyard, the floors are connected by both an elevator and an interior stairway; there will be 26 tables and 156 seats, one (1) bar with 14 seats and one (1) sushi bar with 12 seats on the ground floor, two (2) tables and 24 seats serving as private dining rooms in the cellar and 17 tables and 54 seats in the courtyard for a total interior seated patron occupancy of 260 seats; there is one (1) entryway serving as patron ingress and egress, two (2) additional doors serving as emergency exits and two (2) patron bathrooms; and
- iii. **Whereas**, the hours of operation will be from 11:30 AM to 11:00 PM Sundays through Wednesdays and 11:30 AM to 12:00 AM Thursdays through Saturdays; music will be quiet background music only consisting of music from iPod/CD’s/streaming services; there will be no: dancing, DJs, live music, promoted events, any event where a cover fee is charged, scheduled performances or cover fees, velvet ropes, movable barriers or security personnel; and
- iv. **Whereas**, there will be a courtyard enclosed with building walls on the sides and an insulated glass roof per specifications provided June 26/2023, having not more than 30% of the roof being operable (roof skylights); there is a row of operable doors connecting the main dining room to the adjacent courtyard; there will be no music in the courtyard any time the roof skylights are opened; courtyard

seating will close at 10 PM every night, operable doors leading to the courtyard will close at 10 PM every night or whenever music is playing; and

- v. **Whereas**, in 2017 the building(s) were gut renovated and reconfigured; a portion of the premises to be licensed was previously licensed under Public Rest L.P. Avroko Rest Grp, LLC G.P. & 27 LTD dba Public (SN# 1143335) from approximately 2003–2017, the recent renovation completely changing the layout of the premises across the two buildings and now including an exterior courtyard; and
- vi. **Whereas**, the restaurant is part of Hai Hospitality (<https://www.haihospitality.com>) based in Austin, TX and will be run by their management team; concerns were raised regarding the noise and traffic impacts of such a large restaurant being located on a narrow street, this block of Elizabeth Street being closed Mondays through Fridays from 4:30 PM to 11:00 PM and Saturdays and Sundays from 11:00 AM to 11:00 PM as part of the NYC DOT Open Streets program, there being no ability for for-hire vehicles to do drop-offs or pick-ups at the location when the street is closed, Prince Street being the main east–west artery to the Holland Tunnel is already heavily congested on a daily basis, the Applicant planning to work with the various car services to have their Apps point to pre-determined drop-off / pick-up points to mitigate any impacts; and
- vii. **Whereas**, the Applicant initially appeared in June/2023 when additional concerns were raised regarding the type of enclosure for the rear courtyard as there were no detailed plans provided on the enclosure, the brick walls surrounding the courtyard causing the sound to flow upwards and while there are no residential tenants on upper floors to the north and south of the premises there are some to the east that may be impacted, the Applicant returning this month with detailed plans of the roof structure, reasonable closing hours for the courtyard and adjoining operable doors and stating that there would be no music in the exterior anytime the roof skylights were opened, that the row of operable doors from the dining room to the courtyard would be closed any time music was playing and that all music would be background only; and
- viii. **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 79 active licensed premises within 750 feet of the subject premises, in addition to 5 pending licenses, the Applicant providing thorough plans for the courtyard roof with information on sound absorption, having reasonable closing hours for both the courtyard and the main restaurant with background music only, with the agreed upon stipulations being reasonable, the public interest being established albeit subject to the Applicant and Licensee abiding by those agreed upon stipulations; and
- ix. 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 Japanese and sushi restaurant with the kitchen open and full menu items available until closing every night.
 - 2. The hours of operation will be 11:30 AM to 11:00PM Sundays through Wednesdays, 11:30 AM to 12:00 AM Thursdays and 11:30 AM to 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 aside from the enclosed interior courtyard of 206 Elizabeth Street.
5. Courtyard will be enclosed with a glass roof per specifications provided June 26/2023 (see attached) with not more than 30% of the roof operable. All lighting in the roof enclosure will be directed toward the interior premises.
6. All courtyard seating will close no later than 10 PM. No music in the courtyard when any of the skylights are open.
7. Will close the courtyard doors at 10 PM every night or whenever music is playing. All other doors and windows will be closed at all times, allowing only for patron ingress and egress.
8. 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.
9. Will not have televisions.
10. 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.
11. Will work with for-hire vehicle services to direct them to specific drop off / pick up locations.
12. Will not have patron occupancy/service to any portion of the sub-cellar (SC1) of licensed premises.
13. Will not make changes to the existing façade except to change signage or awning.
14. Will comply with NYC Department of Buildings Regulations and will obtain Place of Assembly Certificate for both the courtyard (Block 492/Lot 8) and the main storefront premises (Block 492/Lot 10) and keep current at all times required Permits and Certificates.
15. Will comply with NYC Department of Buildings Regulations and will keep current at all times required Permits and Certificates.
16. Will provide a Letter of No Objection or Certificate of Occupancy permitting eating and drinking for both the courtyard (Block 492/Lot 8) and the main storefront premises (Block 492/Lot 10) proposed to be licensed prior to opening.
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.
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 not change principals prior to submission of original application to the NYSLA.
21. Will appear before CB2, Man. prior to submitting changes to any stipulation agreed to herein.
22. 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 Restaurant Liquor License in the name of **Uchi New York 206-210 Elizabeth Street fka Entity to be formed by Todd D. Reppert, 204-206 Elizabeth 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 Liquor License.

Vote: Unanimous, 35 Board Members in favor.

7. **Sum Yung Gai, LLC dba Char'd, 17 E. 13th St., 1st & 2nd Fl. 10003** (OP–Restaurant) (Corporate Change, Change in Method of Operation, Alteration
- i. **Whereas**, the Applicants appeared before Community Board 2, Manhattan’s SLA Licensing Committee #1 to present an application to the NYS Liquor Authority for a Corporate Change, Change in Method of Operation and an Alteration to their On-Premises Restaurant Liquor License (SN#1336813) for a restaurant serving Asian cuisine with high-end cocktails located on the first and second floors of a C6-1-zoned, two (2)-story commercial building (c. 1910, altered 1985) on 13th Street between 5th Avenue and University Place (Block #571 / Lot #30);and; and
 - ii. **Whereas**, the premises encompasses the entirety of the building and is roughly 760 sq. ft. comprised of approximately 473 sq. ft. on the ground floor connected by an interior staircase to approximately 288 sq. ft. on the 2nd floor; on the ground floor there is a full-service kitchen, one (1) food counter with five (5) seats and on the 2nd floor there will be four (4) tables with eight (8) seats and one (1) bar with five (5) seats for a total patron occupancy of 18 seats; there is one entry serving as patron ingress and egress and one bathroom on the ground floor; there will be no sidewalk café or roadbed seating; and
 - iii. **Whereas**, the agreed upon hours of operation are currently from 11 AM to 12 AM Sundays through Saturdays (7 days a week); all doors and windows will be closed at 8 PM; music will be quiet background only consisting of music from iPod/CDs on the ground floor at all times; there will be no dancing, DJs, promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and
 - iv. **Whereas**, the Corporate Change is to remove one of the principals and add a new principal, the majority principal and manager appearing at the CB2, Manhattan SLA committee meeting, when asked about the new % ownership of the corporation it was disclosed that the manager, who was not listed as a principal in the CB2 questionnaire, has 25% ownership, the Applicant under the impression that he did not need to be disclosed because he was held a minority interest; and
 - v. **Whereas**, the Alteration is to add a service bar to the ground floor premises and to add seating upstairs, though no diagram was provided indicating the change, the questionnaire stating 10 tables and 20 seats with one (1) bar with eight (8) seats, the diagram showing three (3) tables and six (6) seats on the ground floor and on the 2nd floor four (4) tables with eight (8) seats and one (1) bar with five (5) seats; and
 - vi. **Whereas**, the Change in Method of Operation is to change from a full-service restaurant to a unique cocktail bar serving appetizers and light fare and to extend the hours until 2 AM Thursdays through Saturdays and to change the dba name to Slingish and Jelas; and
 - vii. **Whereas**, when the Applicant originally appeared in April/2022 it was only after they had circumvented CB2, Man’s process for reviewing liquor license applications in order to provide a recommendation to the NYSLA, at that time they returned to CB2 after their 500 ft hearing had already occurred and presented a substantively different application with 2 AM closing and a focus on high-end cocktails (essentially what they are presenting in the instant application) and which differed in hours and method operation from what was supplied to the Administrative Law Judge for their 500' hearing; that 500 ft hearing having occurred prior to their presentation before CB2; the Application being subject to the 500' rule requiring the Applicant to demonstrate that the public interest would be served by adding another liquor license at this location; CB2 Man.’s SLA Committee voted to recommend denial of the Application as presented while offering a pathway to CB2’s support of the

Applicant if the Applicant would agree to closing hours of 12 AM every day and that the method of operation would be as an Asian restaurant, (<https://cbmanhattan.cityofnewyork.us/cb2/wp-content/uploads/sites/9/2022/05/04-April-2022-SLA.pdf>), the Applicant executing a stipulation agreement with CB2, Manhattan reflecting those hours and method of operation thereby meeting the public interest standard with the full board of CB2, Manhattan unanimously recommending approval and those stipulations became a part of the license which was subsequently issued by the SLA; and

viii. Whereas, the instant application seeks to go back on the very elements that supported the public interest standard initially; the principals were not fully disclosed at this month's meeting, the Applicant stated that they were serving pre-batched cocktails dispensed well after preparation when customers order those drinks (not being in a continuously operating frozen drink machine) which is not legal in NY State, photographs show the DBA name was already changed up to a year ago and was not properly disclosed to the SLA; following the CB2 meeting it was brought to the attention of their representative that a Change in Method of Operation Application was not the proper mechanism to change the class of license from an On-Premises Restaurant to an On-Premises Tavern, rather a Change of Class filing was necessary, the representative notifying CB2, Man. in writing that they would be filing for all the other changes without the Change in Class, despite the premises already operating in the manner presented in the applications; following the CB2 SLA Committee meeting it was further discovered that they are presently advertising the two floors as two separate establishments; both with a focus on high-end cocktails and minimal food service, the first floor as Jelas NYC (<https://jelasnyc.com/>) and the second floor as Singlish (<https://singlishnyc.com/>), this not being disclosed during the CB2, Man. SLA committee meeting nor was it disclosed that the intent of the name change was to operate under two separate DBAs with separate identities and websites as opposed to one DBA; and

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the corporate change, change in method of operation and alteration applications for **Sum Yung Gai, LLC dba Char'd, 17 E. 13th St., 1st & 2nd Fl. 10003**; 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.

Vote: Unanimous, 35 Board Members in favor.

8. Piacere Enterprises LLC dba Piacere, 352 Broome St 10013 (OP – Restaurant) (Class Change)

- i. Whereas**, the Applicants had appeared before Community Board 2, Manhattan's SLA Committee in August/2021 for a Class Change to their Restaurant Wine License (SN# 1268740) and in September/2021 CB2, Man.'s full board unanimously recommended approval of the application; and
- ii. Whereas**, the Applicant was unable to move forward at that time and as more than 270 days had passed between the original notice and the date of filing with the NYSLA the Applicant needed to file another 30-day notice CB2, Man.; and
- iii. Whereas**, appearance at this month's CB2 SLA committee meeting was waived as prior to this month's meeting the Applicant re-affirmed there was no change in principals, supplied the CB2 Man. Outdoor Seating Addendum for the sidewalk seating which was part of the application in 2021 and 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 full-service Italian restaurant with the kitchen open and full menu items available until closing every night.
2. The hours of operation will be 5PM to 12AM Sundays through Thursdays and 5PM to 1AM 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 a certified sidewalk café operating under the temporary Open Restaurants program on Broome Street. Sidewalk café is located immediately adjacent to the storefront leaving a minimum clearance of 8' to the curbside for pedestrian passage with no more than 8 tables and 24 patron seats.
5. Sidewalk café will close no later than 10PM Sundays through Thursdays and 11PM Fridays and Saturdays. All tables and chairs will be secured at this hour and no patrons will remain. No exterior music, speakers or TVs.
6. Will play quiet ambient, recorded background music only, inclusive of any parties or private events. No music will be audible in any adjacent residences anytime.
7. Will not have televisions.
8. Will close all doors and windows at 10PM every night, allowing only for patron ingress and egress.
9. No patron occupancy/service to any portion of the basement of licensed premises.
10. Will not make changes to the existing façade.
11. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
12. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
13. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
14. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
15. Will not change any principals prior to submission of original application to NYSLA.
16. Will not have: dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel / door staff.
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 Class Change to the Restaurant Wine License (SN# 1268740) in the name of **Piacere Enterprises LLC dba Piacere, 352 Broome St 10013****unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the NYSLA Liquor License.

Vote: Unanimous, 35 Board Members in favor.

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

9. Melda Comedy LLC, dba Greenwich Village Comedy Club, 99 MacDougal St. lower level 10012 (OP–Bar/Tavern) (Change in Method of Operation)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on July 11, 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, change in method of operation, alteration, transfer or other changes to any existing license for **Melda Comedy LLC, dba Greenwich Village Comedy Club, 99 MacDougal St. lower level 10012** **until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license until this important step is taken and the concerns of the Community be fully heard.

Vote: Unanimous, 35 Board Members in favor.

10. 219 Mulberry LLC dba Ruby’s, 219B Mulberry St 10012 (RW) (Change in Method of Operation – adding cellar use as storage and a kitchen) (DOT Open Restaurant Program – roadway)

Whereas, prior to this month’s CB2, Manhattan’s SLA #1 Licensing Committee Meeting on July 11, 2023, the Applicant requested **to lay over** this application to July/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, change in method of operation, alteration, transfer or other changes to any existing license for **219 Mulberry LLC dba Ruby’s, 219B Mulberry 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, 35 Board Members in favor.

11. Babak Khorrami, 29 Kenmare St 10012 (OP–Restaurant) (previously unlicensed) (failed to appear)

Whereas, at this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on July 11, 2023 the Applicant **failed to appear** and provided no communication seeking to adjourn, layover this application or explaining their non-appearance before CB2 Man.; and,

THEREFORE, BE IT RESOLVED that CB2, Manhattan strongly recommends that the SLA **deny** any type of proposed on-premises liquor license for **Babak Khorrami, 29 Kenmare St 10012** **until** this Applicant appears and present their application before CB2 Man.; and

THEREFORE, BE IT FURTHER RESOLVED that CB2, Manhattan requests that the NYSLA suspend any decision on this license until this important step is taken and the concerns of the Community be fully heard.

Vote: Unanimous, 35 Board Members in favor.

12. Le Comptoir Inc dba Chateau Rouge, 137 Thompson St 10012 (TW) (previously unlicensed)

Whereas, prior to this month's CB2, Manhattan's SLA #1 Licensing Committee Meeting on July 11, 2023, the Applicant requested **to lay over** this application to July/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, change in method of operation, alteration, transfer or other changes to any existing license for **Le Comptoir Inc dba Chateau Rouge, 137 Thompson St 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the 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, 35 Board Members in favor.

13. De Xiang Inc dba Genki Omakase, 552 LaGuardia Pl, no 4 10014 (RW)

Whereas, prior to this month's CB2, Manhattan's SLA #1 Licensing Committee Meeting on July 11, 2023, the Applicant requested **to lay over** this application to July/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, change in method of operation, alteration, transfer or other changes to any existing license for **De Xiang Inc dba Genki Omakase, 552 LaGuardia Pl, no 4 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, 35 Board Members in favor.

14. Davida I Inc dba Marchellino, 178 Mulberry St 10013 (OP-Restaurant)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 11, 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, change in method of operation, alteration, transfer or other changes to any existing license for **Davida I Inc dba Marchellino, 178 Mulberry St 10013** **until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license until this important step is taken and the concerns of the Community be fully heard.

Vote: Unanimous, 35 Board Members in favor.

15. 337B West Broadway NY LLC, 337B West Broadway 10013 (TW)

Whereas, prior to this month’s CB2, Manhattan’s SLA #1 Licensing Committee Meeting on July 11, 2023, the Applicant requested **to lay over** this application to July/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, change in method of operation, alteration, transfer or other changes to any existing license for **337B West Broadway NY LLC, 337B West Broadway 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, 35 Board Members in favor.

16. Aime Leon Dore Soho LLC dba Aime Leon Dore, 214 Mulberry St 10012 (OP-Bar/Tavern)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on July 11, 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, change in method of operation, alteration, transfer or other changes to any existing license for **Aime Leon Dore Soho LLC dba Aime Leon Dore, 214 Mulberry St 10012 until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license until this important step is taken and the concerns of the Community be fully heard.

Vote: Unanimous, 35 Board Members in favor.

17. 182 West 4th Hospitality LLC, 182-184 West 4th St 10014 (OP–Restaurant)

- i. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee #2 to present an application to the NYS Liquor Authority for an On-Premises Liquor License to operate a modern “Gastro pub and cocktail lounge” on the ground floor and cellar of a R6/C1-5-zoned, 5 (five)-story mixed-use, walk-up building (c. 1894, altered 1982) on West 4th Street at the southwest corner of the intersection of Jones Street (Block #590/Lot #73) the building falling within NYC LPC’s designated Greenwich Village Historic District Extension II; and
- ii. Whereas**, the ground floor premises is approximately 1,800 sq. ft. consisting of 684 sq. ft. on the ground floor and 996 sq. ft. in the cellar, the two floors connected by an interior stairway; there will be approximately 11 tables and 26 seats and two (2) bars with 36 seats on the ground floor and approximately 19 tables and 56 seats in the cellar for a total seated patron occupancy of 118; the premises has one (1) door at the corner of West 4th and Jones Street which will serve as the main door

for patron ingress and egress, one (1) additional door for emergency exit on Jones Street with additional staff access to cellar via both a sidewalk hatch and stairs on Jones Street; there are three (3) bathrooms; and

- iii. **Whereas**, the hours of operation will be from 12 PM to 2 AM Sundays through Saturdays (7 days a week); music will be quiet background music only consisting of music from iPod/CDs/streaming services, there may be DJs in the cellar with music playing through the premises speakers at background levels only; there will be no: dancing, promoted events, scheduled performances or cover fees, velvet ropes or movable barriers; there are operable windows which will be closed at 10 PM nightly; there is sidewalk seating consisting of no more than three (3) tables and 12 patron seats on Jones Street and four (4) tables and 16 patron seats on West 4th as illustrated in the provided diagram, the outdoor seating closing at 10 PM nightly; and
- iv. **Whereas**, the premises to be licensed was previously licensed under SLP Management Inc dba The Slaughtered Lamb (SN#1025645) with a similar method of operation albeit with later hours and no outdoor seating; and
- v. **Whereas**, the Applicant appeared at the June/2023 SLA Committee meeting during which time they asked to layover the application in order to meet with the Central Village and Carmine Street Block Associations to discuss the method of operation with nearby residents and to provide diagrams of the proposed outdoor seating, they returned this month after doing so; 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 96 active licensed premises within 750 feet of the subject premises, in addition to 17 pending licenses, the Applicant having met with the community and arrived at reasonable closing hours of the windows and outdoor seating, the outdoor seating being illustrated to conform to current Open Restaurant guidelines, with background music only, with the agreed upon stipulations being reasonable, the public interest being established albeit subject to the Applicant and Licensee abiding by those agreed upon stipulations; and
- 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 Restaurant Liquor License, with those stipulations as follows:
 - 1. Premises will be advertised and operated as a full-service restaurant, specifically a modern gastro pub and cocktail lounge featuring American-style dishes with the kitchen open and full menu items available until closing every night. with the kitchen open and full menu items available until closing every night.
 - 2. The hours of operation will be 12 PM to 2 AM Sundays through Saturdays, 7 days a week. No patrons will remain after stated closing time.
 - 3. Will not operate as a 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 leaving a minimum clearance of 8' to the curbside for pedestrian passage with no more than 4 tables and 16 patron seats on West 4th St. and 3 tables and 12 seats on Jones St. No roadbed seating.

5. Will play quiet ambient recorded background music only, inclusive of any private parties or events. There may be DJs in the cellar to curate music which is piped through the existing sound system at background levels only. No music will be audible in any adjacent residences at any time.
6. Will have no more than 1 television(s) no larger than 60". There will be no projectors and TV will operate in "closed caption" mode only without sound.
7. Will close all doors and windows at 10PM every night, allowing only for patron ingress and egress.
8. Will not make changes to the existing façade except the installation of operable windows and to change signage and/or awning.
9. Will comply with NYC Department of Buildings Regulations and 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, live music, promoted events, any event for which a cover fee is charged, scheduled performances or velvet ropes or barricades.
13. Will not change principals prior to submission of original application to the NYSLA.
14. Will appear before CB2, Man. 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 On-Premises Restaurant Liquor License in the name of **182 West 4th Hospitality LLC, 182-184 West 4th St 10014** **unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the "Method of Operation" of the NYSLA Liquor License.

Vote: Unanimous, 35 Board Members in favor.

18. Uno Nove Otto Corp dba Canto West Village, 117 Perry St. 10014 (OP–Restaurant) (Change in Method of Operation to extend hours each night and add sidewalk seating)

- 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 Change in Method of Operation to their On-Premises Restaurant Liquor License (SN#1337382) for a local restaurant and wine bar located on the ground floor of a C1-6A zoned, six (6)-story mixed-use building (c. 1905) on Perry Street between Hudson and Greenwich Streets (Block #6338 / Lot #38), the building falling within the NYC LPC's designated Greenwich Village Historic District; and
- ii. **Whereas**, the hours of operation are Sunday to Wednesday from 11 AM to 11 PM and Thursday to Saturday from 11 AM. to 12 AM (all patrons will be cleared, and no patrons will remain after stated closing times), music is quiet background only consisting of music from iPod/CDs/streaming services, there are no operable French doors and no outdoor service of alcohol to the rear yard, sidewalk or roadbed; and
- iii. **Whereas**, the change in method of operation is to extend the hours of operation by one hour each night, the proposed hours being from 11 AM to 12 AM Sundays through Wednesdays and 11 AM to 1 AM Thursdays through Saturdays and to add seating on the sidewalk consisting of seven (7) tables and 14 seats will end at 11 PM; and

- iv. **Whereas**, a number of residents appeared and numerous letters were sent in opposition to the instant application and no one appeared in favor of it, residents noting noise from patrons gathering on the sidewalk as well as emanating from the interior premises through the open door in both the front and rear of the establishment, the premises being surrounded by residents next door, across the street and behind the rear yard, including ground floor apartments fronting Perry St., the Applicant placing planters on the curbside (in the amenity zone) of the sidewalk running the length of the establishment in addition to having a decorated scooter next to the building for Instagram photos as well as a table with two chairs displaying the menu, the sidewalk being approximately 9' at the location thus making passage difficult even when no patrons are congregating outside; this being a short block with both a restaurant to the east and to the west of the licensed premises each having roadbed dining on Perry Street creating additional noise impacts to the residents; the Applicant has a pending Tavern Wine License (SN# 1351335) for the premises immediately adjacent to the instant application, those premises being the last remaining unlicensed storefront on the block; and
- v. **Whereas**, this application having been subject to the 500 foot rule requiring the Applicant to establish public interest for the license to be issued at its inception when the Applicant originally appeared before CB2, Man in June/2021, the prior establishment, Aria (SN#1239342) at which the Applicant was a manager, having caused significant quality of life impacts on surrounding residents, those residents voicing concerns in June/2021 about the application, the Applicant signing stipulations with the established hours and having no outdoor seating in the backyard, sidewalk or roadbed in order to establish public interest at the time, residents continuing to describe negative quality of life impacts from the establishment; and

THEREFORE, BE IT RESOLVED that CB2, Manhattan recommends **denial** of the change in method of operation to the On-Premises Liquor License (SN#1337382) for **Uno Nove Otto Corp dba Canto West Village, 117 Perry St. 10014**; and

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

Vote: Passed, 32 Board Members in favor, 3 Abstain (C. Dignes, R. Kessler, M. Metzger).

19. White Horse Hospitality LLC dba Made in NY Pizza, 561 Hudson St 10014 (TW-Tavern)

- i. **Whereas**, the Applicant and the Applicant's Attorney appeared before CB2, Manhattan's SLA Committee #2 to present an application to the NYS Liquor Authority for a new Restaurant Wine license to operate a pizzeria in the ground floor of a C1-6-zoned, four-story 19th Century wood frame townhouse style building (circa 1905) with walk-up apartments on Hudson Street between West 11th and Perry Streets (Block #633/Lot #53); this building falling within NYC LPC's Greenwich Village Historic District; and
- ii. **Whereas**, the storefront proposed to be licensed has never been licensed for the service of alcohol and has never been operated/occupied for eating and drinking, the storefront for decades having previously operated as the Golden Rabbit, a stationary and flower retail shop owned by a married couple serving the local community for 30 years, the operators of the Mom and Pop business having been evicted and displaced by their landlord during the Covid Epidemic, the landlord and owner of the building being Steve Corman, Corman having pleaded guilty in 2017 to grand larceny and other felony charges, stemming from his involvement in elaborate tax and mortgage fraud schemes, known for his failures

in maintaining rent-stabilized housing units, allowing those housing units to deteriorate in an effort to push out such tenants, the adjacent series of townhouse buildings in a row to the immediate north of this proposed storefront (563/565/567 Hudson) also being owned by Corman and representing the three storefronts comprising the Applicant's next door Tavern (White Horse Tavern SN# 1318058) , a bar with a 4 AM closing time and an extensive outdoor café running along all of its storefronts, the NYSLA having temporarily closed the White Horse Tavern (SN# 1318058) during the Covid Epidemic for intentionally and recklessly failing to abide by the Executive Orders implemented by New York's Governor in response to the Pandemic; and

- iii. **Whereas**, the storefront premises which has been open since March/2022 is approximately 500 sq. ft., a pizza prep area with no ventilation is found in the premise's diagram, the diagram indicating six (6) tables and 18 seats for a total patron seated occupancy of 18 although the current method of operation consists of approximately three (3) high-tops with approximately six (6) stools which are either used in the interior space or for the outdoor sidewalk seating, the premises has one (1) bathroom and one door which will be used for patron ingress and egress; there is currently no certificate of occupancy or letter of no objection provided from the NYC DOB permitting eating and drinking presented; and
- iv. **Whereas**, the hours of operation will be from 11 AM to 12 AM Sundays through Wednesdays and 11 AM to 2 AM Thursdays through Saturdays; music will be quiet background only consisting of music from iPod/CDs/streaming services; there will be private parties but no dancing, no DJs, no promoted events, no live music and no televisions; there is sidewalk seating consisting of three (3) tables and ten (10) patron seats and roadbed seating consisting three (3) tables and 12 seats and being enclosed on three sides with a roof, the questionnaire indicating sidewalk and roadbed seating ending at 11 PM Sundays through Wednesdays and 2 AM Thursdays through Saturdays, the 2 AM closing not complying with the temporary Open Restaurants guidelines; and
- v. **Whereas**, there was significant opposition from the Community to this application, the West Village Resident's Association appearing in opposition along with individual members of the community, the community opposition focusing on the Applicant's negative history of operating as the sole licensee of the White Horse Tavern next door, the Applicant having only operated the White Horse Tavern since 2019 and being the sole licensee of the instant application as well, with the Tavern being the subject of disciplinary proceedings, significant fines and closure imposed by the NYSLA in July/2020 during the Covid pandemic, there was also opposition based on the seating, or lack thereof, of the current operation which is seeking to remain the same as currently operating albeit with the service of alcohol, patrons currently being observed not seated and congregating in the existing sidewalk café area without the service of alcohol, there being few seats in the interior premises and no wait staff, concerns being raised that with the service of alcohol until the late hours there will be a number of patrons standing and drinking in both the interior and exterior below residential units, this concern specifically being raised based on the past history of the Applicant and that the Applicant is stating the hours for the sidewalk and roadbed will be until 2 AM Thursdays through Saturdays, a violation of the Open Restaurants guidelines currently in place; and
- vi. **Whereas**, additional concerns were raised by the committee and residents that the existing roadbed seating is separated from the sidewalk of the premises proposed to be licensed by a bike lane, and that the NYSLA guidance dated June 30, 2022 does not permit for the service of alcohol over a bike lane, a bike lane not being a pedestrian thoroughfare, it being dangerous to cross through a pathway with moving bicycles, including e-bikes travelling at fast speeds, this made more egregious because the Applicant has no wait staff, the requirements of ADA access as part of the Open Restaurants program not possible when separated from the curb by a bike land; and

- vii. **Whereas**, during the pandemic the Applicant showed a reckless disregard for the safety of others by blatantly operating in derogation of the Emergency Degrees and Governor’s Executive Orders relating to the reopening of its business during the pandemic in the Spring and Summer of 2020, by placing a full service bar on the sidewalk and installing an open platform/deck on the roadway in a “No Stopping Anytime Zone” in front, selling and serving alcohol for standing consumers, inviting hordes of people to drink on the sidewalk and in the bike lane without social distancing or being seated, crowding the sidewalk and bike lane, preventing clearance on the sidewalk for pedestrians, by serving alcohol and remaining open outside until 1–2 AM repeatedly and consistently refusing to close at the required closing time period of 11 PM, while ignoring the repeated requests and warnings made to it by the NYPD, requiring the local Sixth Precinct of the NYPD to repeatedly force the closing of the establishment after midnight; and
- viii. **Whereas**, this storefront proposed to be licensed has never previously been licensed for the service of alcohol, the surrounding area already greatly saturated with drinking establishments and liquor licenses, the Applicant’s next door establishment, White Horse Tavern, already having a significant late night presence in the immediate area, business given the continued privilege to remain open with hours of operation until 4 AM every night despite the Applicant’s past transgressions; and
- ix. **Whereas**, there was opposition presented for this application, concerned about the over-saturation of liquor licensing with late night and significant exterior operations in the immediate area of the premises to be licensed, there being 48 active on premise liquor licenses within 750 feet and an additional 2 pending licenses within this same area, there being further concerns as to the late hours of operation for the service of alcohol for a by-the slice, pizza establishment at this location, pizza establishments operating with few seats and no wait staff typically serve the purpose in the later hours of providing food only during those hours while not continuing the consumption of alcohol, this application not being subject to the 500 foot rule and the public interest standard; and

THEREFORE, BE IT RESOLVED that based on the problematic history of the manner in which the Applicant has managed and operated his next door establishment and the impacts on quality of life for residents due to the extensive and late hours of outdoor seating with alcohol consumption, Community Board 2, Manhattan recommends denial of a new Restaurant Wine license for **White Horse Hospitality LLC dba White Horse Tavern, 561 Hudson St 10014** as presented, and

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

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 Restaurant Wine license for **White Horse Hospitality LLC dba White Horse Tavern, 561 Hudson St 10014**:

1. Will operate as a neighborhood pizzeria.
2. The hours of operation will be from 11 AM to 12 AM Sundays through Wednesdays and 11 AM to 2 AM Thursdays through Saturdays **with the service of alcohol ending all nights at 12 AM.** (NO patrons will remain after stated closing time.)
5. Will not have televisions.

6. Will not operate a backyard garden or any outdoor area for the service of alcohol except only for sidewalk café located immediately adjacent to the storefront on the sidewalk directly in front of the establishment leaving a minimum clearance of 8' to the curbside for pedestrian passage with no more than 3 tables and 10 patron seats. No standing patrons.
7. There will be no service of alcohol to any roadbed seating that is separated from the licensed premises by a bike lane.
8. All outdoor seating will close no later than 10 PM, inclusive of any roadbed seating without the service of alcohol, No exterior music, speakers or TVs.
9. All alcohol service to the sidewalk will be by wait staff to seated patrons only.
8. Will play **quiet ambient recorded background music only**. No music will be audible in any adjacent residences at any time.
9. Will close all doors and windows by 10 PM every night without exception, allowing only for patron ingress and egress.
10. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
11. Will provide a Letter of No Objection or Certificate of Occupancy permitting eating and drinking for store front premises proposed to be licensed prior to the service of alcohol
14. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
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 security personnel / doormen.
18. Will appear before CB2, Manhattan prior to submitting plans for permanent sidewalk or roadbed dining.

Vote: Passed, 32 Board Members in favor, 3 Abstain (C. Dignes, R. Kessler, M. Metzger).

20. 78 5th Avenue Kafeneio Inc. dba Ariston Flowers & Cafe, 78 5th Ave 10011 (TW- Flower Shop with Ancillary Café)

- i. **Whereas**, the Applicants and the Applicant's Attorney appeared before Community Board 2, Manhattan's SLA Licensing Committee #2 to present an application to the NYS Liquor Authority for a new Tavern Wine License to operate a retail flower shop with ancillary café in the rear within a ground floor storefront in a ten-story mixed-use building (c. 1900) on Fifth Avenue between West 13th and West 14th Streets in Greenwich Village; and
- ii. **Whereas**, the ground floor and mezzanine storefront proposed to be licensed was previously operated as Hu Kitchen (SN#1262180), a cafeteria style restaurant operating with a beer and wine license; and
- iii. **Whereas**, the storefront is approximately 3,600 sq. ft., consisting of a 2,600 sq. ft. ground floor and 1,000 sq. ft. mezzanine connected by an interior stairway with no basement, the ground floor in the front consisting of a retail flower shop, with flower displays, service counter and refrigerators for the cold storage of flowers; the back half of the ground floor premises being an open café space without a kitchen, where there is a bar / counter selling lite fare, premade sandwiches, coffee and pastries, with a diagram illustrating 10 tables with 20 patron seats and one (1) bar with 10 seats on the ground floor and an additional 7 tables and 14 seats on the mezzanine level in addition to a couch for a total seated patron occupancy of 44 patron seats, the questionnaire stating the number of tables as 19 with 54 seats and one bar with 7 seats between the two floors for a total seated patron occupancy of 61, the certificate of occupancy permitting 24 persons on the ground floor and 60 on the mezzanine, it being unclear the

seating arrangement of the establishment; the premises has one (1) door which serves as patron ingress and egress and two (2) bathrooms; and

- iv. **Whereas**, the proposed hours of operation are from 9 AM to 12 AM on Sundays, 7:30 AM to 11 PM Mondays and Tuesdays, 7:30 AM to 1 AM Wednesdays and Thursdays, 7:30 AM to 2 AM Fridays and Saturdays, music for the interior will be background only with the exception of two nights per week where they may be live jazz or string quartets at background levels with live music ending at 9 PM, there will be no dancing, DJs, promoted events, no scheduled performances or cover fees; the application and Attorney representing there is no outdoor seating yet the Applicant stating there is outdoor seating that they would like to continue to operate; and
- v. **Whereas**, this Applicant has little to no experience operating an eating/drinking establishment and has not previously operated a business with a liquor license, the Applicant indicating that there will be two separate businesses operating in the same space, with the family-owned retail flower shop and café during the day, with the café transforming into a late night drinking establishment focused on the service of alcohol after the flower shop closes; and
- vi. **Whereas**, the Applicant wanting to have live jazz music with percussion and amplified microphones, with questions being raised as to how that would be background level music, there being no plans to install any soundproofing, no plans to ameliorate the additional people standing in the mezzanine watching live music, this method of operation being in contradiction to the current method of operation as a flower shop and coffee bar, the Applicant stating they will be catering to the neighbors yet the next door neighbors were not in support of the later hours and amplified music; the Applicant also requesting seating on the sidewalk which was not indicated in the provided questionnaire; and
- vii. **Whereas**, numerous residents of the immediately adjacent residential building came to speak in opposition to the proposed application, in particular the late night hours of the application the addition of live music, lack of soundproofing and the service of alcohol particularly into the later evening hours, as well as the outdoor seating, the Applicant having done no outreach to any of the residents in the adjacent building; the Union Square Partnership BID Director of Planning appeared supporting the application, thought the BID had not communicated with any immediately impacted residents; and
- viii. **Whereas**, the Applicant agreed to closing by 12 AM and to no service of alcohol in the exterior seating but would not compromise on the music by having no percussion or amplified microphones as part of their music, it being unclear as to how percussion and amplified microphones would be background-level music, there being no plans to install soundproofing in the premises, the music taking place in the rear of the ground floor, abutting the next door residential apartments, the certificate of occupancy for the mezzanine being for 60 persons, concerns being raised that the nights there is music the mezzanine will transition from a seated area to an area with patrons standing to view a performance; while residents spoke favorably of the flower shop and had no issue with the existing coffee shop which closes at 7 PM, no one spoke in favor of the hours, the live music or outdoor seating associated with the instant application; and

THEREFORE, BE IT RESOLVED that based on the inability to reach an agreement with the Applicant on acoustic music with no percussion and no amplification including microphones, Community Board 2, Manhattan recommends denial of a Restaurant Wine license for **78 5th Avenue Kafeneio Inc. dba Ariston Flowers & Cafe, 78 5th Ave 10011** as presented, and

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

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 Tavern Wine license for **78 5th Avenue Kafeneio Inc. dba Ariston Flowers & Cafe, 78 5th Ave 10011:**

1. Premise will be advertised and operated only as a flower shop and coffee bar / wine bar with light food throughout hours of operation.
2. Will not operate as a “bar,” the primary use is as a flower shop and café.
3. The hours of operation will be from 9 AM to 10 PM on Sundays, 7:30 AM to 11 PM Mondays through Wednesdays and Thursdays, 7:30 AM to 12 AM Thursdays through Saturdays. (NO patrons will remain after stated closing time.)
4. Will not operate a backyard garden or any other outdoor area for commercial purposes except for sidewalk café consisting of not more than four (4) tables and eight (8) seats. There will be no service or consumption of alcohol in the sidewalk seating.
5. All outdoor seating will close no later than 5 PM. All tables and chairs will be removed from the sidewalk at this hour. No exterior music, speakers or TVs. No roadbed seating.
6. Will play quiet ambient recorded background music only. There may be acoustic live jazz (no horns or percussion) consisting of not more than 3 persons with no amplification or microphones up to 2x/week. All live music will end by 9 PM. No music will be audible in any adjacent residences at any time.
7. Will close for private parties not more than 6x per year.
8. Service of alcohol is by wait staff to seated patrons only.
9. Will close all doors at all times, allowing only for patron ingress and egress.
10. Will not have any of the following: dancing, DJs, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades or security personnel / doormen.
11. Will appear before CB2, Manhattan prior to submitting plans for permanent sidewalk or roadbed dining.

Vote: Passed, 32 Board Members in favor, 3 Abstain (C. Dignes, R. Kessler, M. Metzger).

21. Delice & Sarrasin LLC, 178 West Houston 10014 (RW–Restaurant)

- i. **Whereas**, the Applicant and the Applicant’s Representative appeared before Community Board 2, Manhattan’s SLA Licensing Committee #2 to present an application for a Restaurant Wine license to operate a family-owned restaurant serving French vegan cuisine on the ground floor of a R7-2 /C1-5 overlay-zoned, six (6)-story walk-up building on West Houston between Sixth Avenue and Downing St. (Block #527/Lot #51), the building falling within NYC LPC’s designated Greenwich Village Historic District Extension II; and
- ii. **Whereas**, the storefront premises is approximately 1,600 sq. ft. (approximately 1,000 sq. ft. on the ground floor and 600 sq. ft. in the cellar, the cellar being accessed via an internal staircase with no patron use of the cellar); there are approximately 16 tables with 32 seats and one bar with six (6) seats for a total interior seated occupancy of 38 persons, and seven (7) tables with 14 seats in the rear yard for a total seated occupancy 52; the premises has one (1) door which will serve as patron ingress and

egress and one (1) bathroom; the store front infill being fixed with no operable doors or windows that open out to the sidewalk but there are operable windows in the rear opening to the rear yard; and

- iii. **Whereas**, the hours of operation for both the interior and rear yard will be from 10 AM to 12 AM Sundays through Saturdays (7 days a week); music will be ambient recorded background music only, there will be no speakers or music in the rear yard; there will be no: dancing, DJs, promoted events, scheduled performances or cover fees, velvet ropes, movable barriers or security personnel; and
- iv. **Whereas**, the instant application has seating in the rear yard consisting of seven (7) tables and 14 seats, the hours of operation are from 10 AM to 12 AM Sundays through Saturdays (7 days a week), there are no speakers and no music in the exterior; and
- v. **Whereas**, the premises to be licensed was previously licensed with a Restaurant Wine License under Houston Hospitality Group LLC dba Biamo (SN#1324972) from early 2022 with hours from 11 AM to 11 PM nightly with a NYSLA stipulation stating no outdoor seating, prior to that the premises was previously unlicensed; and
- vi. **Whereas**, the Applicant has been in operation and operating without a liquor license under the same DBA at 20 Christopher, also in CB2, since 2015, having relocated and opened at this new location in June/2023; and
- vii. **Whereas**, local residents appeared in opposition to the use of the rear yard, the rear yard being surrounded by a donut of residential apartments, with sound from the rear yard causing adverse quality of life impacts on those residents; the Applicant unable to provide a certificate of occupancy or letter of no objection allowing for the use of the rear yard for an eating and drinking establishment, additional safety concerns were raised due to the lack of any plans showing appropriate egress; and
- viii. **Whereas**, following this month's meeting the Applicant requested **to lay over** this application to August/2023 and will resubmit the application for reconsideration 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, change in method of operation, alteration, transfer or other changes to any existing license for **Delice & Sarrasin LLC, 178 West Houston 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, 35 Board Members in favor.

22. Carmine Street Beers, Inc. dba Carmine Street Beers, 52A Carmine St. 10014 (TW-Bar/Tavern)
(Alteration to expand to rear yard)

- i. **Whereas**, the Applicant appeared before Community Board 2, Manhattan's SLA Committee #2 to present an application to the NYS Liquor Authority for an alteration of its existing Tavern Wine license to extend its license to a rear yard behind its storefront; and

- ii. **Whereas**, the rear yard has never been licensed for the service of alcohol, has never been operated for eating and drinking purposes and the rear yard is surrounded by residential apartments; and
- iii. **Whereas**, the licensed premise operates as a Beer Bar and Retail Store specializing in providing specialty beers from around the world within a small ground floor storefront (approximately 850 sq. ft. with ancillary 350 sq. ft. basement—basement for storage only) within a R6-zoned, 5-story residential tenement style building on Carmine Street between Bedford and Bleecker Streets (Block #527/Lot #56), the building falling within NYC LPC’s designated Greenwich Village Historic District; and,
- iv. **Whereas**, the storefront and building is zoned for residential use/occupancy, the storefront being a non-conforming, pre-existing business use, which prior to the advent of the license in 2016 operated for years as a printing business, the historic designation report for the rear portion of the storefront indicating that the rear portion of the building was designated for residential apartments with no commercial connection to the rear yard, the letter of no objection from the NYC Dept. of Building permitting interior use/occupancy only; and
- v. **Whereas**, other businesses similarly situated on this same block as the instant storefront have in the past sought to extend their licensed business in the rear yard, with the NYC Department of Building rejecting and not permitting such extensions, there being no alternative means of egress from the rear yard other than through the storefront doorway raising issues of safety, the Applicant here not even demonstrating a path or architectural/engineering plan allowing for such use/occupancy in the rear yard, instead stating that he will get it at some point in the future, this being the same statement made by the Applicant when he appeared in September/2022 for the exact same application; and
- vi. **Whereas**, when the Applicant appeared in September/2022 the application was opposed by the local block association, the block association citing the concern over noise in the rear yard with residential apartments and bedroom windows being located adjacent to and surrounding the rear yard, as well as the concern that the non-conforming use/occupancy of the storefront being in a residential zone does not permit such use/occupancy to expand as it is being requested; and

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the alteration application for **Carmine Street Beers, Inc. dba Carmine Street Beers, 52A Carmine St. 10014 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.

Vote: Passed, 31 Board Members in favor, 1 Against, (Z. Roberts), 3 Abstain (C. Dignes, R. Kessler, M. Metzger).

23. Food Napoli LLC dba NA Slice, 11 Waverly Place 10003 (New RW-Restaurant) (previously unlicensed)

- i. **Whereas**, the Applicant and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Licensing Committee #2 to present an application to the NYS Liquor Authority for a new Restaurant Wine License to operate a small Italian restaurant serving breakfast, pizza and pasta

on the ground floor of a R7-2, 12-story building (c. 1929) on Waverly Place between Mercer and Greene Streets (Block #548/Lot #40); and

- ii. **Whereas**, the storefront premises is approximately 900 sq. ft; there are approximately five (5) tables with 15 seats and no stand up bars for a total interior seated occupancy of 15 persons; the premises has one (1) door which will serve as patron ingress and egress and one (1) door for emergency egress, there is one (1) bathroom; the store front infill being fixed with no operable doors or windows that open out to the sidewalk; and
- iii. **Whereas**, there is sidewalk seating consisting of no more than five (5) tables and ten (10) patron seats, the outdoor seating closing at 10 PM nightly; and
- iii. **Whereas**, the hours of operation will be from 9:00 AM to 9:30 PM Sundays, 7:30 AM to 10:00 PM Mondays through Thursdays and 7:30 AM to 11:00 PM Fridays and Saturdays; music will be quiet background only consisting of music from iPod/CDs/streaming services; there will be one TV, all doors and windows will be closed at all times, there will be no dancing, DJs, live music, promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, no security; and
- iv. **Whereas**, the premises was previously operated as Pizza Mercato for over ten years albeit with a liquor license and with no outdoor seating, sidewalk seating having not previously been permitted in a residentially-zoned neighborhood, the premises falling within a residentially zoned building; and
- iv. **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 small Italian pizza and pasta restaurant serving breakfast, lunch and dinner with the kitchen open and full menu items available until closing every night.
 - 2. The hours of operation will be from 9:00 AM to 9:30 PM Sundays, 7:30 AM to 10:00 PM Mondays through Thursdays and 7:30 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 leaving a minimum clearance of 8' to the curbside for pedestrian passage with no more than 5 tables and 10 patron seats. No roadbed seating.
 - 5. All outdoor seating will close no later than 10PM. All tables and chairs will be removed from the sidewalk 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 have no more than one (1) television(s) no larger than 55". There will be no projectors and TV will operate in "closed caption" mode only without sound.
 - 8. Will close all doors and windows at all times, allowing only for patron ingress and egress
 - 9. Will not install or have French doors, operable windows or open facades.
 - 10. Will not make changes to the existing façade except to change signage or awning.

11. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
12. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
13. 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 not change principals prior to submission of original application to the NYSLA.
15. Will appear before CB2, Manhattan prior to submitting changes to any stipulation agreed to herein.
16. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a new Restaurant Wine License in the name of **Food Napoli LLC dba NA Slice, 11 Waverly Place 10003** **unless** the statements presented by the Applicant are accurate and complete and that the conditions agreed to by the Applicant remain incorporated into the “Method of Operation” of the NYSLA Liquor License.

Vote: Unanimous, 35 Board Members in favor.

24. IFC Theatres LLC dba IFC Center, 323-327 Avenue of the Americas 10014 (TW – Movie Theater)

- i. **Whereas**, the Applicant and the Applicant’s Attorney had appeared before Community Board 2, Manhattan’s SLA Licensing Committee in July/2022 to present an application to the Liquor Authority for a new tavern wine liquor license to continue operate a movie theater in a three story commercial building (circa 1920) on Sixth Avenue between West 3rd and West 4th Streets, this building falling within NYC LPC’s designated Greenwich Village Historic District with its rear side facing Cornelia Street; and
- ii. **Whereas**, the original 30-day notice for the application did not reflect the use of security guards although the Applicant disclosed at the time to the Community Board that there would be security at the premises which was reflected in CB2, Manhattan’s July/2022 resolution (<https://cbmanhattan.cityofnewyork.us/cb2/wp-content/uploads/sites/9/2022/07/07-July-2022-SLA.pdf>), the NYSLA requiring the Applicant to provide an updated 30-day notice; and
- iii. **Whereas**, the Applicant had executed and 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 in July/2022, those stipulations not prohibiting security, there being no changes to those stipulations, therefore appearance at this month’s SLA committee meeting being waived; and

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a new Tavern Wine License – Movie Theater in the name of **IFC Theatres LLC dba IFC Center, 323-327 Avenue of the Americas 10014** **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 Liquor License.

Vote: Unanimous, 35 Board Members in favor.

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

25. Sushi Nakazawa LLC, 23 Commerce St 10014 (Restaurant Wine) (Corporate Change)

Whereas, prior to this month's CB2, Manhattan's SLA #2 Licensing Committee Meeting on July 6, 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, change in method of operation, alteration, transfer or other changes to any existing license for **Sushi Nakazawa LLC, 23 Commerce St 10014 until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license until this important step is taken and the concerns of the Community be fully heard.

Vote: Unanimous, 35 Board Members in favor.

26. RH NY Guesthouse LLC & RH NY Guesthouse F&B LLC dba RH, 55 Gansevoort St. 10014 (OP-Hotel with Restaurant) (Change in Method of Operation)

Whereas, prior to this month's CB2, Manhattan's SLA #2 Licensing Committee Meeting on July 6, 2023, the Applicant requested **to lay over** this application to August/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, change in method of operation, alteration, transfer or other changes to any existing license for **RH NY Guesthouse LLC & RH NY Guesthouse F&B LLC dba RH, 55 Gansevoort St. 10014 until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, 35 Board Members in favor.

27. ReBoot West Village LLC, 101 7th Ave South 10014 (RW-Restaurant) (previously unlicensed)

Whereas, prior to this month's CB2, Manhattan's SLA #2 Licensing Committee Meeting on July 6, 2023, the Applicant requested **to lay over** this application to August/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, change in method of operation, alteration, transfer or other changes to any existing license for **ReBoot West Village LLC, 101 7th Ave South 10014 until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has

forwarded a recommendation to the 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, 35 Board Members in favor.

28. Sappesuk LTD dba Sappe, 240 W 14th St 10011 (OP-Restaurant)

Whereas, prior to this month's CB2, Manhattan's SLA #2 Licensing Committee Meeting on July 6, 2023, the Applicant requested **to lay over** this application to August/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, change in method of operation, alteration, transfer or other changes to any existing license for **Sappesuk LTD dba Sappe, 240 W 14th St 10011** **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, 35 Board Members in favor.

TRAFFIC AND TRANSPORTATION

Resolution requesting a study of the potential need for commercial metered parking on University Pl. btw. Waverly Pl. and E. 13th St. and the need for more regular metered parking on E. 10th St. btw. University Pl. and Broadway.

Whereas current parking regulations on University Pl. btw. Waverly Pl. and E. 13th St. are almost entirely No Parking 8am-6pm. Current parking regulations on E. 10th St. on its north side are a combination of 3 hour metered commercial parking 8:30am-6pm M-F, 2 hour metered parking either 8:30am-6pm Sat. or 9am-6pm except Sun., street cleaning rules except Sun. either 8am-8:30am or 8:30am-9am, and some No Parking Anytime, and on its south side are a combination of 2 hour metered parking 9am-6pm except Sun. or 8:30am-6pm Sat., some 3 hour metered commercial parking 8:30am-6pm M-F, street cleaning rules except Sun. either 8am-8:30am or 8:30am-9am, some No Parking Anytime, and some No Parking 8am-6pm M-F; and

Whereas a letter was submitted to Community Board No. 2 Manhattan (CB2) by the small businesses located on E. 10th St. btw. University Pl. and Broadway, and a representative of these businesses as well as a residential representative appeared in person, asserting that there is insufficient regular metered parking on the block (to accommodate the small businesses) and that most of the metered commercial spaces are taken by delivery vehicles serving stores and restaurants on University Place where regulations now prohibit almost all daytime parking; and

Whereas it was reported that workers can often be seen on this stretch of E. 10th St. (where they park in commercial metered spaces) pushing hand trucks of produce to University Pl. establishments, thus competing for narrow sidewalk space with pedestrians, including families headed to Grace Church School

and students from the NYU dormitory on 10th, while contractors' vehicles serving large apartment buildings also take over the metered space, along with Amazon and Fedex delivery trucks that each use as much as 80 ft. (approximately 10 or more spaces) of the commercial metered parking for the full three hours allowed (and sometimes more); and

Whereas the E. 10th St, small businesses have indicated they have difficulty unloading deliveries of their goods (e.g., of furniture or art pieces) with so much commercial parking taking up space and not enough regular metered parking for their vehicles that ordinarily don't have commercial license plates (that would qualify them for the commercial spaces). This forces them to temporarily park in illegal spaces, and with no second driver more often than not to remain in the car while a delivery is being made (that would show they are only there briefly), they get ticketed; and

Whereas in an effort to preserve their livelihoods, these small businesses are asking for more regular metered parking on their E. 10th St, block in the place of at least some of the commercial metered parking, which they suggest should be shifted to University Pl., where they believe it's needed; and

Whereas it was pointed out that No Parking regulations like those on University Pl. allow for stopping to load or unload packages or merchandise at curbside as opposed to the more restrictive No Standing and No Stopping regulations; and

Whereas it was revealed that extensive placard parking (often illegal) in that area is another factor to consider; and

Whereas the Executive Director of the Village Alliance, the Business Improvement District (BID) that oversees University Pl., thought that University might have some capacity for loading/unloading, but he said that he would want to consult with the businesses there to assess their needs and would welcome working with the NYC Dept. of Transportation (DOT) on outreach in studying conditions and determining solutions; and

Whereas DOT's representative expressed DOT's willingness to review conditions at the locations in question to ascertain feasible approaches; and

Whereas CB2 is aware and supportive of the pressing need for these E. 10th St. businesses to find solutions that facilitate their deliveries and help preserve their economic well-being;

Therefore be it resolved that CB2 requests that DOT do a study of activities, conditions and parking regulations on E. 10th St. btw. University Pl. and Broadway and on University Pl. btw. Waverly Pl. and E. 13th St. to more equitably balance regular metered parking and commercial metered parking to better serve the delivery needs of the businesses on E. 10th as well as those on University that receive deliveries; and

Be it further resolved that CB2 recommends that DOT work with the Village Alliance BID in reaching out to the businesses that receive deliveries on University Pl. and assessing their drop-off/pickup needs and existing conditions; and

Be it further resolved that CB2 asks that DOT consider modifying some of these streets' metered parking rules (both commercial and regular) to shorten the time allowed for using the metered parking in these locations in order to encourage more frequent turnover where the total parking period that's currently permitted is shown to be unnecessary; and

Be it further resolved that CB2 strongly encourages DOT to thoroughly investigate the excessive placard parking in this area, formulate procedures to reduce its illegal use and work with the NYPD in enforcing deterrence; and

Be it finally resolved that CB2 urges DOT to conduct the requested study as soon as possible, share its findings and recommendations with CB2, and quickly implement its recommended improvements, especially those that support the needs of the small businesses on E. 10th St. who depend on timely deliveries to maintain their operations.

Vote: Passed, with 35 Board members in favor.
1 Recusal (N. Avanesians)

Resolution in response to request for a tour bus stop on the north side of East Houston St. btw Bowery and Elizabeth St.

Whereas Durama Tours Inc. dba The Ride has applied for a sightseeing bus stop for pick-ups and drop offs on the north side of East Houston St. from Bowery to Elizabeth St., closer to the Bowery; and

Whereas this stop would be shared with the existing MTA M21 bus stop, as it was before by another tour bus. The NYC Dept. of Transportation (DOT) bus stop management team has studied this stop and advised that the current layout at this proposed location has sufficient length to easily accommodate two bus stops there. No conflict is expected with the M21 bus, which usually runs no more than twice an hour (although CB2 would prefer greater frequency), nor will there be any substantive change from the previous shared stop configuration; and

Whereas this location previously was the shared stop for Experience the Ride, run by a different company and no longer in service, which received many complaints from the community because its loud music, intrusive sidewalk entertainment at stops and its glaring strobe lights; and

Whereas the applicant's spokesperson gave assurances that entertainment will be inside the bus only and will include two comedians talking to each other and discussing the area that they're passing through, which is being viewed through very large windows. This will be accompanied by some changing lights and music (not loud). None of this would be experienced or heard outside, because the windows are kept tightly closed, although the spokesperson couldn't definitively assure that the format wouldn't change in the future; and

Whereas the route for this stop was initiated a few months ago, and still is in its testing phase. One trip per hour is planned, five times a day, six days a week (Tuesday excepted). At the proposed Houston/Elizabeth-Bowery stop, the last drop off of the day will be at 8:15 pm; and

Whereas the bus will travel slowly, approximately 15 to 20 mph and can accommodate 40 riders although the typical ridership is no more than 20 or 25 people; and

Whereas no food or drinks will be served or consumed on board, including no alcohol; and

Whereas it was indicated that efforts are made to observe New York City's three-minute idling limitation rule for boarding or departing the bus, but that the City allows an exemption if the bus needs to stop for five minutes to load and unload (which is needed at the most); and

Whereas the bus runs on Diesel fuel, but the spokesperson claimed that they're using the latest and cleanest fuel available for diesel running buses; and

Whereas there are commercial land uses on both sides of the street corner at that location;

Therefore be it resolved that Community Board No. 2 Manhattan (CB2) has no objection to adding the requested sightseeing bus stop for pick-ups and drop offs on the north side of East Houston St. from Bowery to Elizabeth St. to share with the already existing MTA M21 bus stop as long as its program remains the same as currently presented; and

Be it further resolved that CB2 emphasizes that should there be an alteration in the method of The Ride tour bus operation, especially in the serving or consuming of food and alcohol, external LED lighting or signage, music or entertainment with activities on the street, CB2 would expect the applicant to return to CB2 in a new application for CB2 to review before going before DOT and other involved agencies for the changes.

Vote: Unanimous, with 35 Board members in favor.

Resolution in response to an application for a revocable consent to construct an ADA accessible ramp at 2 Charlton St.

Whereas Community Board No. 2 Manhattan (CB2) has received an application that seeks a revocable consent to construct, maintain and use an ADA accessible ramp and landing with steps and retaining wall, including steel guard railings, to replace an existing hydraulic lift at the entrance of 2 Charlton St., a 17-story cooperative multi-family building with 154 residential units and 17 retail units, built in 1960; and

Whereas the purpose of the proposed ramp is to provide access to the building's lobby, which is below sidewalk level, for the disabled and mobility challenged; and

Whereas a representative of the building's residents and Board of Directors explained that the existing hydraulic lift, constructed 10 years ago, has become outmoded and is very cumbersome, slow, uncomfortable and unnecessarily confining for the increasing number of those in the building who require ADA access as the building's population has aged (21 people now use the lift regularly), as well as for those who visit the building and also need this access; and

Whereas it was explained that the proposed new ramp, which would be part of a redesign of the entranceway and lobby and be state-of-the-art, would be much more efficient and comfortable to use than the lift; and

Whereas it was additionally explained that the proposed ramp would also serve the increasing number of young children in the building by safely accommodating strollers; and

Whereas the ramp will project 4 ft. into the 15 ft. wide sidewalk in front of the building (the minimum required for easy maneuver). With the tree on the sidewalk across from the ramp, the narrowest available width of the sidewalk will be btw. the ramp and tree, 5 ft.7 in., in line with and in some cases larger than the sidewalk width accompanying the stoops on the rest of the block, providing ample room for using the public way; and

Whereas the existing hydraulic lift will remain in operation at all times until the ramp is installed, ensuring continuous access;

Therefore be it resolved that CB2 fully supports approval of a revocable consent to construct, maintain and use an ADA accessible ramp and landing with steps and retaining wall, including steel guard railings, to replace an existing hydraulic lift at the entrance of 2 Charlton St.; and

Be it further resolved that CB2 welcomes the prospect of increased availability of ADA access in the CB2 community.

Vote: Unanimous, with 35 Board members in favor.

VI. STANDING COMMITTEE REPORTS WITHOUT RESOLUTIONS

CANNABIS LICENSING

RE: Community Board 2 Comments on Proposed Adult-Use Cannabis Regulations

Dear Chair Wright, Ms. Dawson and Mr. Alexander:

At its Full Board meeting on July 20, 2023, Community Board #2, Manhattan (CB2, Man.) adopted the following comments on the most recent proposed regulations:

The Community Board (CB) is the official municipal body whose primary mission is to advise elected officials and government agencies on matters affecting the district's social welfare. The Marijuana Regulation & Taxation Act (MRTA) outlines the Community Boards' responsibilities regarding cannabis licensing. While the proposed regulations expand on those responsibilities, it does not define the community boards' authority or procedure. The guidelines below outline recommendations for the process through which CB's receive, evaluate and advise the state on cannabis business applications.

Comments on Proposed Regulations

§ 119.3 Notifications to Municipalities states *(d) A municipality shall have thirty (30) days from the receipt of the notification from an applicant to express an opinion for or against the granting of a license, which shall mean, for the purposes of this section, the issuance of a registration, license, or permit, for a new establishment, transfer, renewal, or alteration of an existing registration, license, or permitted premises, 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; provided, however, a municipality may request additional time in writing, on a form as prescribed by the Office, and may receive no more than an additional thirty (30) days to express their opinion.*

30-days is not sufficient time for municipalities and community boards to:

1. Provide appropriate public notice
2. Schedule and execute a public hearing
3. Ratify their position at their monthly full board meeting

Recommendation:

- CB2, Man. recommends that cannabis license applicants notify the municipality in which they plan to operate a minimum of 45-days prior to applying with the state.

§ 119.2 Authorizations for Municipality Rulemaking authorizes municipalities to enact local laws and regulations governing the time, place and manner of the operation of licensed adult-use cannabis retail dispensaries and/or on-site consumption sites but does not define those terms.

Recommendation:

- Clear definitions of time, place and manner authorizations

The proposed regulations state that municipalities “*shall not be allowed to operate from 2:00 ante meridiem to 8:00 ante meridiem, (4:00 ante meridiem to 8:00 ante meridiem for consumption sites), unless given express written permission by such municipality, or the municipality passes a local ordinance, authorizing it to operate beyond such hours; and (ii) shall not restrict operations to less than 70 hours a week*”.

Community Boards seek to license businesses that won’t burden the district. Some businesses have been a source of quality-of-life complaints (i.e. noise, traffic, sidewalk crowding, crime....).

Recommendation:

- Clarified community boards’ authority to determine and specify hours of operation which are appropriate for proposed locations.

§119.1 Preemption and Prohibitions on Municipality Rulemaking prohibits “*an adult-use retail dispensary, microbusiness, ROD, or on-site consumption license to be*” 1) *on the same road and within 200 feet of the entrance of a building occupied exclusively as a house of worship; (2) on the same road and within 500 feet of the entrance of a building occupied exclusively as a school; or (3) on the same road and within 500 feet of a structure and its grounds occupied exclusively as a public youth facility.*

Recommendation:

- Proximity requirements be measured using linear distance, and expanded to include:
 - Any building in which a K-12 school operates
 - Any building in which provided treatment for substance use disorder and recovery, harm reduction, homeless shelters and transitional housing as a community facility

Additional Comments

OCM/CCB Partnership

As an emerging market, the cannabis landscape in New York is in the development stages and will require modifications as it matures.

Recommendation:

- A defined procedure for ongoing conversation between the Office of Cannabis Management, Cannabis Control Board and New York City Community Boards to discuss and refine processes.

Cannabis Licensing Committees

While some CBs may be able to process cannabis applications through an existing committee, task force, or working group, boards with a large volume of applicants will require a designated committee to meet the high demand.

Recommendation:

- We recommend that each CB create a standing Cannabis Licensing Committee or prepare an existing committee to be ready to receive general cannabis applicants.
- Due to the strong social and economic equity directive in the law, those leading this work on behalf of municipalities are experienced in social equity work and include members that would qualify under NYS social and economic equity criteria.

Timeline & Process

Cannabis Control Board holds monthly public hearings during which municipalities and the public have an opportunity to comment on applications before they are licensed.

- 1) Applicant submits the 45-Day Advance Notice via the Local Municipality Notice form provided by OCM and submitted to the appropriate CB
- 2) Applicant is placed on the CB calendar to appear at the next month's cannabis licensing committee meeting
- 3) Applicant receives CB Materials including questionnaire, a list of the necessary documents, and contacts for relevant stakeholders
- 4) Applicant submits questionnaire & documents to the Community Board within which they intend to operate, due at least seven business days prior to appearing before the cannabis licensing committee.
- 5) Applicant & their representative appear before the Community Board
- 6) Stipulations are agreed upon
- 7) Applicant submits signed stipulations
- 8) Resolution is written
- 9) Resolution is presented to the Full Board
- 10) Full Board determination is sent to the OCM and CCB

The New York State Cannabis Control Board

The Board is the approval and oversight body of the Office of Cannabis Management and is responsible for approving the comprehensive regulatory framework for New York's cannabis industry, including issuing applications and licenses to cannabis businesses and approving the rules and regulations which will govern the new industry.

Recommendation:

- OCM and CCB only consider licensure to applicants that appear before the municipality within which they hope to operate.
- Resolutions and stipulations submitted to the CCB become part of the license and record.

Vote: Passed, with 27 Board members in favor, 6 in abstention (N. Avenassians, C. Booth, R. Kessler, D. Raftery, R. Sanz, E. Smith) and 1 recusal (M. Metzger).

HUMAN SERVICES**REPORT:**

Major Marcus Jugenheimer has served as General Secretary for the Greater New York Division of the Salvation Army (SAGNY) (he described it as a Chief Operating Officer role) since last year, though he recently celebrated 29 years with the organization overall.

The Salvation Army's building at 120 West 14th Street – in Manhattan Community District 2 – serves as the division's executive offices and houses the NY Temple Corps Community Center. Volunteers there

also serve about 500 hot meals a day, four days a week, from its soup kitchen. At 123 West 13th St in CD2 SAGNY operates the [Markle Residence](#), providing single- and double-occupancy rooms for “students and professionals.” The Greater New York division covers the five boroughs of New York City, Long Island, and seven counties in upstate New York.

The Salvation Army, founded in 1865, is a not-for-profit international evangelical Christian denomination and charitable movement organized on a quasi-military pattern. Its membership of 1.8 million includes officers (clergy), soldiers and adherents (laity), members of varied activity groups and volunteers who serve as advisors, associates and committed participants in its service functions. It operates in 133 countries throughout the world -- half its members are in Africa, and a fifth in India.

The Greater New York Division relies on the help of volunteers to support its programs and services and is funded by government contracts as well as private donors. Among a long list of its programs are the following:

- 38 Community and Worship Centers
- Participation in Rescue Alliance NYC, a coalition of faith-based organizations to help the homeless by providing resources, case management, clean and safe shelter, and a pathway to stability.
- Food pantries with 18 centers and soup kitchens to serve hot meals.
- Senior services such as arts and crafts, special events, socialization, and games.
- Music and arts programs which offer instruction in music theory, instruments, dance, and theater. Prior to Covid, the Salvation Army was the largest provider of music and arts education outside the public school system.
- 8 Developmental Disabilities Services (DDS) Homes.
- An intensive medical case management and care coordination program (in the Bronx), which was expanded in 2012 to offer care for diabetes, asthma, hypertension, obesity, substance abuse, and mental health disorders.
- Anti-Human Trafficking Program: PEARL Essence.
- Three centers for substance abuse rehabilitation.
- Three government-funded shelters for unhoused individuals and families, including two shelters for families with children in Queens and a shelter for men with substance abuse and mental health diagnoses in Brooklyn.
- Free childcare for children ages 2 to 5 through five licensed childcare centers in Brooklyn, the Bronx, and Queens.
- After-school Services.
- Star Lake Camp and Conference Center.

Salvation Army thrift stores serve the organization’s rehab facilities but are operated separately and not as part of the Greater New York Division.

A primary interest of the committee was the financial aspects of these programs. Major Jugenheimer stated that the overall budget for SAGNY is \$50 million, half of which is earned through City and State contracts. (Religious proselytizing plays no role in these publicly-funded programs.) Also of note, its Christmas Red Kettle drive in New York City generates only 4% of its budget. However, confirming these numbers through publicly available information was impossible and the most recent [annual report](#) does not include financial statements.

Questions were raised about the SA's approach to members of the LGBTQ community. A 2011 [article](#) in the New York Times article described policies that prompted the LGBTQ community to call for a boycott of the organization. In response, Maj. Jugenheimer pointed to [position statements](#) on the Salvation Army's website that indicate a policy shift.

Concerns also were expressed that SAGNY's new plans for 120 West 14th St. seemed to focus on revenue generation over affordable housing. Major Jugenheimer informed us that that project was out of his purview and he was unfamiliar with its details. Our committee would like to know more about this project.

The challenges at SAGNY echo those expressed by other social service providers: For its clients, homelessness and mental illness are glaring problems throughout the area, and the Covid-19 crisis affected food insecurity, joblessness, evictions. The organization's own challenges include static or lagging levels of donations, and static levels of government contracts despite increasing expenses.

Respectfully submitted,

Amy Brenna, Secretary; Brian Pape, Assistant Secretary; Mark Diller, District Manager
Community Board #2, Manhattan