

Susan Kent, *Chair*
Valerie De La Rosa, *1st Vice Chair*
Eugene Yoo, *2nd Vice Chair*



Antony Wong, *Treasurer*
Amy Brenna, *Secretary*
Brian Pape, *Secretary*
Mark Diller, *District Manager*

COMMUNITY BOARD No. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE
NEW YORK, NY 10012-1899

www.manhattancb2.org

P: 212-979-2272 F: 212-254-5102 E: info@manhattancb2.org

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

FULL BOARD MEETING AGENDA

DATE: Thursday, October 19, 2023
TIME: 6:30 PM
PLACE: Sheen Center, Loreto Theatre, 18 Bleecker St. (Elizabeth St. Entrance) - Option to Access via Videoconference

I. PUBLIC HEARING ON THE FISCAL YEAR 2025 CAPITAL AND EXPENSE BUDGET

II. PUBLIC SESSION: Members of the community may speak for a time to be specified by the Board Chair on any issue of interest to the community. **In-person Public Speaker's Cards available at registration. *Virtual Public Speaker's cards must have been submitted before 5:00 p.m. to info@manhattancb2.org*
Written correspondence received in lieu of spoken testimony will be summarized.

III. ADOPTION OF AGENDA

IV. REPORTS TO THE PUBLIC

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

V. APPROVAL OF THE AUGUST AND SEPTEMBER FULL BOARD MINUTES

VI. PRIORITIES for the NYC CAPITAL AND EXPENSE BUDGET FOR FISCAL YEAR 2025

VII. RESOLUTIONS FROM STANDING COMMITTEES

- | | |
|-----------------------------------|----------------------------|
| 1. Parks & Waterfront | Rich Caccappolo |
| 2. Street Activities & Resiliency | William Benesh |
| 3. Traffic & Transportation | Shirley Secunda |
| 4. Land Use | Katy Bordonaro, Eugene Yoo |
| 5. Cannabis Licensing Committee | Mar Fitzgerald |
| 6. Landmarks | Chenault Spence |
| 7. SLA Licensing | Donna Raftery |

VIII. NEW BUSINESS

- Resolution in Support of the New York State Right to Counsel Initiative

IX. ADJOURNMENT

November 2023						
◀ October						December ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
NOT SCHEDULED: LAND USE & HOUSING ??	30 CANNABIS LICENSING 1	31	1 PARKS & WATERFRONT SLA-1	2 TRAFFIC & TRANSPORTATION	3	4
5	6 STREET ACTIVITY & RESILIENCY OUTDOOR DINING WORKING GROUP	7 ELECTION DAY	8 CANNABIS LICENSING 2	9 SLA-2 LANDMARKS 1	10 VETERAN'S DAY OBSERVED	11
12	13 LANDMARKS 2	14 EXECUTIVE	15	16 FULL BOARD	17	18
19	20	21	22	23 THANKSGIVING	24	25
26	27	28 SCHOOLS & EDUCATION	29	30 HUMAN SERVICES		

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 Eugene Yoo, *Second Vice Chair*



Antony Wong, *Treasurer*
 Amy Brenna, *Secretary*
 Brian Papp, *Assistant Secretary*
 Mark Diller, *District Manager*

Treasurer Report - Oct 2023
FY: July 1, 2023 to June 30, 2024

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	Fiscal Yr Projection		Current	
Accounts				
Street Fair Funds - Beginning July 1, 2023	\$	68,519.00	\$	68,519.00
Revenues				
City Funds	\$	257,321.00	\$	257,321.00
Discretionary Funds - CM Marte	\$	6,000.00	\$	6,000.00
Street Fair Funds - FY24	\$	5,643.86	\$	-
	\$	337,483.86	\$	331,840.00
Expenses				
<i>Personnel Services (PS)</i>				
Staff	\$	(250,631.00)	\$	(53,985.83)
<i>Other Than Personnel Services (OTPS)</i>				
Equipment & Software / Copy Machine	\$	(10,000.00)	\$	(693.43)
Postage	\$	(300.00)	\$	-
Professional Services	\$	(20,000.00)	\$	(7,551.00)
Space Rental	\$	(500.00)	\$	-
Supplies	\$	(500.00)	\$	(325.98)
Tech Subscriptions/Services	\$	(5,000.00)	\$	(756.04)
Telephone Services	\$	(2,926.00)	\$	-
	\$	(289,857.00)	\$	(63,312.28)
Balance	\$	47,626.86	\$	268,527.72

Revised: October 18, 2023



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PARKS & WATERFRONT COMMITTEE MEETING

October 4, 2023

The Parks & Waterfront Committee of Community Board #2, Manhattan held its monthly meeting on Wednesday, October 4, 2023, at 6:30 in person and via Zoom.

The meeting agenda expected to cover two subjects:

- Discussion with the NYC Parks Department about dog runs in the District and the potential for any additional areas that might be used for this purpose.
- Debate of our annual open space District priorities discussion to create our committee's contribution to the CB2 District Needs Statement and associated Statement of Budget Priorities for Fiscal Year 2025.

Board Members Present: Rich Caccappolo (Chair); Ritu Chattree; Matthew Metzger; Shirley Secunda; Kristin Shea; Frederica Sigel and Julian Horky and Anne Hager (new members)

Board Members Absent with Notice: Susanna Aaron (Vice Chair); Chris Dignes; Daniel Miller

Public Members Present: Elizabeth Gilmore; Sharon Woolums

Public Members Absent with Notice: Coral Dawson;

Other Board Members Present: Katy Bordonaro; Jeanine Kiely; Brian Pape; Carter Booth; Donna Raftery, Valerie De La Rosa

In total, approximately 23 people attended the meeting.

There were no resolutions resulting from this meeting.

I announced and we welcomed two new members of our committee: Julian Horky and Anne Hager.

We also discussed the great news that is the opening of Gansevoort Peninsula – a project our committee worked extensively on.

The topic of dog runs was not able to be discussed, because the representative from the Parks Department had an emergency that caused her to be unable to attend. We hope to cover the topic at our next meeting in November.

We moved into suggestions and discussions about our committee's contribution to the CB2 District Needs assessment, i.e., requests for capital allocations.

Our list:

- Our community requires and deserves a Recreation Center and an outdoor pool. The Tony Dapolito Recreation Center has been closed for years and is expected to remain in this state for at least a couple more years. We are no longer confident that the building will be able to be repaired or that doing so is worth doing for the cost that will be required. The pool that sits next to it has had to be closed for two summers and will remain closed for at least two more because the wall of the rec center building is potentially unstable and collapse of it could injure pool users.
 - o In July of this year, Community Board 2 passed a resolution asking that the new proposed affordable housing building at 388 Hudson "include a NYC Parks recreation center of at least three floors at the base of the building footprint". Our capital request is to deliver on this request.
 - o Our related request – which may be an expense rather than a capital request: Allocate funds to determine if the renovation of the Tony Dapolito Recreation Center is worth doing and, if not, create a plan for building an alternative Center in our community.
- Allocate funds to repair the playground and the pathway between the field and the playground and courts at James J Walker Park.
- Allocate funds for the permanent preservation of the Elizabeth Street Garden, in its entirety, on land owned by NYC Department of Citywide Administrative Services, on a through lot on Elizabeth Street and Mott Streets, between Prince and Spring Streets.
- Allocate funds to plan review the purpose and the most effective use of the space at the Time Landscape, including re-thinking the area completely.
- Allocate funds to add benches at the three “pocket parks” on Avenue of the Americas – Minetta Playground / Golden Swan, Minetta Green and Minetta Triangle Park.
- Allocate funds to investigate opportunities to add more dog parks and dog runs, including some with grass, in our community.
- Allocate funds for a re-imagining of the Playground of the Americas at Houston St. and Avenue of the Americas.

Repairs or updates or process changes not requiring capital allocations, but possible expense spending:

- Cleaning up drain at southwest corner of Vesuvio Playground until it is possible to properly connect the drain to the sewer
- Trash pickup frequency in parks. Is it possible for the Dept of Sanitation to take over or expand the number of pickups? Would doing so improve the situation?

- Issues at LaGuardia Garden with “ponding” that occurs between and on the east side by Morton Williams and sinking within the gardens. (or allocate funds to repair the drainage problem apparently resulting from the installation of new fences at the LaGuardia Garden if these repairs cannot be done without capital allocation)
- Despite efforts by the Department of Parks and Recreation to address the problem of rat infestation, the CB2 office constantly receives complaints about rats in Washington Square Park and the parks along Avenue of the Americas (Minetta Triangle, Minetta Playground and Golden Swan). We are requesting additional resources targeting it and note that special focus should be paid to rat burrows and tunneling in and around trees because such damage to the root base is causing trees to lean and eventually damaged trees have to be removed because of the hazard of them falling.

Note: the visioning process of a passive recreation space at 388 Hudson will start this fall. Though a budget and funding has been set, it is possible that results of the visioning process could require additional funds.

Note: our annual requests for the planting of street trees in improved and expanded tree pits in our neighborhood is not on our list because we are aware that Councilmember Bottcher is funding and driving this initiative as part of the city’s Urban Forest Master Plan.

Respectfully submitted,

Rich Caccappolo,
Chair, Parks & Waterfront Committee
Community Board 2, Manhattan

A Resolution in Support of New Yorkers for Parks’ advocacy push to increase maintenance and operations funding for parks to 1% of the City Budget.

WHEREAS:

1. Adam Ganser, executive director of New Yorkers for Parks, came to Manhattan Community Board 2’s Parks & Waterfront Committee meeting on September 6th, 2023 to make a presentation in support of its 1% for NYC Parks funding initiative.
2. New Yorkers for Parks presented their perspective that there is a need to correct severe neglect that our parks are suffering and how dedicating 1% of the City Budget could help alleviate this extensive problem.
3. Parks and open spaces provide numerous benefits to communities, including promoting physical and mental health; providing spaces for community gatherings and events; improving air quality, climate resiliency and cooling; and enhancing the overall quality of life for residents.
4. Well-maintained parks mitigate the impact of the urban “heat island” effect and can protect people from heat waves and reduce summer energy use. They also absorb rainfall, reduce flooding and recharge drinking water supplies, while saving energy for water management.
5. Many of our City’s parks and open spaces have experienced neglect and underfunding, resulting in deteriorating conditions and limited programming options.
6. The 1% for Parks campaign proposes that the City dedicate 1% of the City’s annual budget towards parks and green spaces, ensuring adequate funding for staffing, operations, maintenance, and other critical needs.
7. Many large U.S. cities allocate more than 1% of their city budgets to parks, which has resulted in significant improvements in those communities. For example, San Francisco spends 1.6% of its municipal budget on parks, Los Angeles spends 2.9%, Chicago 4.3% and Minneapolis 5.3% percent.
8. The 1% for Parks campaign has garnered widespread support from community organizations, advocacy groups, and residents who recognize the importance of these spaces to the health and well-being of our community.

THEREFORE, BE IT RESOLVED that Manhattan Community Board 2:

1. Fully supports the 1% for Parks campaign and urges our elected officials to allocate this increased funding in the New York City budget.
Believes that investing in parks and open spaces is essential to creating a healthy, vibrant, and sustainable environment for all residents.
2. Calls on our elected officials to prioritize parks and open space in budget decisions in order to ensure that each and every community in New York City has access to safe, clean, and well-maintained parks and open spaces.

Vote: unanimous

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STREET ACTIVITIES AND RESILIENCY COMMITTEE

October 2023

The Street Activities and Resiliency Committee of Community Board #2, Manhattan held its monthly meeting on Monday, October 2nd, 2023, at 6:30 p.m. in person in the CB2 office and via Zoom.

Committee Members Present in Person: William Benesh (Chair), Brian Pape, Michael Levine, Rocio Sanz, Erika Olson

Committee Member Present Virtually (Excused): Ed Ma

Committee Member Present Virtually: Wayne Kawadler

Committee Members Absent with Notice: Zachary Roberts, Amy Brenna

Other CB2 Members Present Virtually: Carter Booth, Donna Raftery

Street Activity Applications

1. ***10.31.23 Donna Halloween Block Party (Sponsor: Donna Cocktail Club) on Cornelia Street between Bleecker and West 4th Streets [Full Street Closure]**

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

Whereas, community members and CB2 members spoke in opposition to the event, citing public safety concerns given the proximity of the applicant to the Greenwich Village Halloween Parade; now

Therefore Be It Resolved that CB2 Manhattan recommends **denial** of **Donna Halloween Block Party**.

Vote: Adopted unanimously.

2. *11.5.23 – Gansevoort Street Fall Tailgate (Sponsor: Meatpacking District Management Association), Gansevoort St. bet. Greenwich & Washington Sts. [full street closure]

Whereas, the applicant wishes to stage an “neighborhood-driven tailgate event” during the first weekend of November on Gansevoort Street, with the goal of promoting and supporting local business in the neighborhood; and

Whereas, the event will take place on Gansevoort Street between Greenwich and Washington Streets on Saturday, November 5th, from 1 PM to 6 PM, with load-in beginning at 8 AM and load-out completed by 9 PM; and

Whereas, the block selected for this event is already closed on Saturdays as part of the DOT Open Streets program; and

Whereas, the event is intended to be structured in a casual “block party” format, with local businesses being given the opportunity to participate through food sales, lawn/street games and other activities; and

Whereas, public seating will be placed on the street for attendees and passers-by, and there will be live acoustic music during the event, but no amplified sound; and

Whereas, Krewe, one of the businesses located on the block, will be hosting a ticketed chili cookoff for the event, along with the service of alcohol in a cordoned-off area which will take up a small portion of the block; and

Whereas, Krewe has an existing beer and wine license for the interior of the store, and will be applying for a temporary permit from the SLA to allow service outdoors during the event; and

Whereas, the applicant will ensure that there is security present on the block for the duration of the event, and expects there to be additional security for the Krewe portion of the event; and

Whereas, there was some concern amongst the SAR committee regarding the service of alcohol, the committee understands that alcohol service will be confined to a limited area, be beer and wine only, and will have adequate security present; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval of Gansevoort Street Fall Tailgate, provided that** the applications conform with all applicable laws, rules, regulations, and clearance requirements.

Vote: Adopted unanimously.

3. *11.9.-11.11.23 – Kinder Chocolate Event (Sponsor: Abel McCallister Abel), Broadway bet. Broome & Grand Sts. [partial sidewalk closure-near 475 Broadway]

Whereas, the applicant is organizing an event on behalf of Kinder Chocolate which will largely take place within an indoor pop-up at 477 Broadway; and

Whereas, the event is structured as a fully immersive experience targeted towards families and parents; and

Whereas, this SAPO application is solely for a partial sidewalk closure for the placement of a 24-foot rope and stantions to keep people in line waiting to enter the event; and

Whereas, there will be no other form of activation occurring outside; and

Whereas, the applicant will have a security presence on-site; and

Whereas, the applicant was open to suggestions from the public to move the line from against the building to against the curb; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval** of **Kinder Chocolate Event, provided that** the applications conform with all applicable laws, rules, regulations, and clearance requirements.

Vote: Adopted unanimously.

4. ***11.11.23 – Village Fall Fair Basilica St. Patricks Old Cathedral 2023 (Sponsor: Basilica of St Patrick’s Old Cathedral), Broadway bet. E. 8th & E. 14th Sts. [full street closure]**

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

Therefore Be It Resolved that CB2 Manhattan recommends **denial** of **Village Fall Fair Basilica St. Patricks Old Cathedral 2023.**

Vote: Adopted unanimously.

5. ***11.30-12.3.23 – Holiday Snow Globe – 14th Street (Sponsor: Event Permits, LLC), W. 14th St. bet. Washington & 10th Ave. [partial sidewalk closure-So.]**

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

Therefore Be It Resolved that CB2 Manhattan recommends **denial** of **Holiday Snow Globe – 14th Street.**

Vote: Adopted unanimously.

6. ***12.1.23 – Light Up The Village 2023 (Sponsor: Village Alliance), W. 8th St. bet. 5th & 6th Aves. [full street closure]**

Whereas, the Village Alliance BID, in collaboration with local Village businesses and institutions, is seeking to hold a street event to celebrate the annual lighting of the holiday street lights along 8th street; and

Whereas, the event will take place on Friday night, December 1st, and will be open to the public; and

Whereas, there will be the opportunity for local Village businesses and institutions to activate on the block during the event, including a short “fitness class” by 305 Fitness and ambient street performances from the NYU circus club; and

Whereas, other local businesses on the street may take the opportunity to have “open houses” during the duration of the event; and

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

Whereas, the applicant will use existing security and Village Alliance sanitation workers to provide support for the event; and

Whereas, the applicant has significant experience hosting block parties at this location as they throw an annual block party on 8th street in the fall; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval** of **Light Up The Village 2023, provided that** the applications conform with all applicable laws, rules, regulations, and clearance requirements.

Vote: Adopted unanimously.

FYI: Renewal

- 7. 10.31.23 – NYU and CB2 Children’s Halloween Parade (Sponsor: New York University & Community Board 2, Man.), LaGuardia Pl. bet. Washington Sq. So. & W. 3rd Sts. [full street closure]**

No resolution on this event.

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TRAFFIC AND TRANSPORTATION COMMITTEE

October 2023

The Traffic and Transportation Committee of Community Board #2, Manhattan held its monthly meeting on Thursday, October 5, 2023, at 6:30 p.m., in Hybrid format (in person at CB2 office and online).

Board Members Present: (In Person) Shirley Secunda (Chair); Stella Fitzgerald, Susan Gammie,

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

Board Members Absent:

Public Members Present: (In Person) Joseph Flahaven, Janet Liff; (Online) George Haikalis.

Public Members Absent with notification:

Public Members Absent:

Other Board Members Present: (Online) Michael Levine, Juan Osorio.

Guests: Kate Scherer (DOT), Nicole Barth (Council Member Eric Bottcher), Sean Lewin & Carson Menkes (Hudson Sq. BID), Valentine Goldstein (NYU), Tabot Eneme (Sam Schwartz), A. D. Hudders, Josh Spodek, Nadine Jaber, Luke Keohane, Steven White, Ann Gray, Robin Felsher, Darlene Lutz.

RESOLUTIONS:

1. Resolution in support of a No Standing Anytime sign at the loading dock of 181 Mercer St. and a No Standing Mon-Fri 7am-7pm sign directly across from the 181 Mercer St. loading dock.

Whereas New York University (NYU) has requested a change in parking regulations to "No Standing Anytime" at the loading dock of 181 Mercer St. (Paulson Center) on the west side of the street and to "No Standing Mon-Fri 7am-7pm" on the east side of the street directly across from the 181-loading dock. Signage indicating these regulations would be located about midway down the Mercer St. block betw. Bleecker and W. Houston St.; and

Whereas the 181 Mercer loading dock receives multiple daily deliveries from large trucks anywhere from 30 to 50 feet long which need a broad radius to turn into the dock; and

Whereas a traffic maneuverability study was conducted showing that the requested regulations would allow for sufficient space to accommodate the required turning radius, thereby minimizing traffic blockage and facilitating movement on the street and noise reduction; and

Whereas current regulations provide for "No Parking Mon-Fri 8am-6pm"; and

Whereas "No Parking" regulations allow for stops to drop off and pick up passengers and to load and unload packages and merchandise at curbside, and the spaces in question are often occupied by vehicles for this purpose, barring access for the delivery trucks to the loading dock, while "No Standing" regulations do not allow waiting, loading or unloading, allowing clearer access to the loading dock; and

Whereas the requested regulations would cover approximately 7.1 ft. of curb space on the west (loading dock) side of Mercer St. and approximately 9.1 ft. of curb space on the eastern side. All the rest of the block would retain the "No Parking Mon-Fri 8am-6pm" regulations;

Therefore be it resolved that CB2 supports changing parking regulations to "No Standing Anytime" at the loading dock of 181 Mercer St. (Paulson Center) on the west side of the street and to "No Standing Mon-Fri 7am-7pm" on the east side of the street directly across from the 181 Mercer loading dock.

Vote: Unanimous in favor.

2. Resolution in opposition to dedicated parking for Athletics teams buses on the west side of Mercer St. near the corner of W. Houston St.

Whereas New York University (NYU) has requested layover (temporary) parking space for three coach-sized buses (approximately 145 ft.) to accommodate buses transporting college athletic teams engaging in sports events with NYU, to be located on the west side of Mercer St. near the corner of W. Houston St.; and

Whereas NYU also has requested "No Engine Idling" signs in the same area to discourage idling activity by such parked athletic teams buses; and

Whereas NYU indicates that athletic activities take place 7 days a week, some starting very early in the morning and ending late at night, with typically 3-4 hour layovers, and the layover parking space request is for dedicated parking 24 hours a day; and

Whereas current regulations on Mercer St. btw. Bleecker and W. Houston St. provide for "No Parking Mon-Fri 8am-6pm"; and

Whereas numerous residents on Mercer St. btw. Bleecker and W. Houston St. testified in opposition to the proposed parking for the athletics teams' buses, expressing outrage at this attempt to claim public space for a private use, and citing the constant incursion of these buses on Mercer St, violating the parking rules, impeding traffic and causing disruption and the buses' incessant idling (against the one-minute idling rules and ignoring residents' requests to turn off their engines), activities that have occurred throughout the street even when there had been dedicated parking previously; and

Whereas residents also voiced their concern about NYU's failure to control the situation and ensure proper enforcement; and

Whereas residents also appealed for NYU campus safety officers, who they said are frequently on the street or observing the street through windows in the building, to monitor the idling activities and report them; and

Whereas the NYU representative indicated that complaints of this nature should come directly to NYU's Community Engagement Office, which they will address; and

Whereas all of the residents strongly conveyed their view that NYU should be putting these buses on their own property, e.g., providing space for them at the Washington Square Village garage or at another of NYU's properties, or renting parking space for this purpose; and

Whereas transportation paradigms are recognizing more and more that public space should not be given over to private use, as is outlined in the NYC Dept. of Transportation's new "Curb Management Action Plan"¹, and parking for athletic team buses is a private activity;

Therefore be it resolved that Community Board No. 2 Manhattan (CB2); opposes providing layover parking space for three coach-sized buses on the west side of Mercer St. near the corner of W. Houston St. to accommodate buses transporting college athletic teams engaging in sports events with NYU; and

Be it further resolved that CB2 urges NYU to provide for these athletic team bus parking spaces within its own property, whether in the Washington Sq. Village garage space or at another of NYU's many properties, or by renting parking space for this purpose; and

Be it further resolved that CB2 implores NYU to do a thorough search for all alternatives to accommodate NYU's need for athletic team parking facilities and remove these private buses from public space; and

¹ <https://www.nyc.gov/html/dot/downloads/pdf/curb-management-action-plan.pdf>

Be it further resolved that CB2 proposes that NYU establish a hotline or similar direct form of communication for constituents to report idling and other infractions by athletic team buses to NYU's Community Engagement Office for remediation; and

Be it further resolved that CB2 asks that NYU communicate with the New York City Police Dept. to establish a system of cooperative coordination that ensures regular enforcement of these pernicious idling and other parking infractions; and

Be it further resolved that CB2 encourages NYU to arrange for its campus safety officers to monitor the idling activities and report them to NYU's Community Engagement Office; and

Be it finally resolved that CB2 requests that the NYC Dept. of Transportation install "No Engine Idling" signs along Mercer St. btw. Bleecker and W. Houston St.

Vote: Unanimous in favor.

MINUTES:

Kate Scherer, Lower Manhattan Borough Planner at the NYC Dept. of Transportation's (DOT) Manhattan Borough Commissioner's office, presented a short introductory overview of DOT's new Curb Management Action Plan.² She described it as "a comprehensive 10-point plan to improve the design and management of the curb lane to reflect the increasingly wide range of needs of New York City's residents, workers, visitors and business owners." It responds to the increased demand in the last few years for curb space for home deliveries, FHV's, outdoor dining, bike usage and more and includes policy and physical treatments to help balance those needs. Strategies include off-hour deliveries, charging non-transportation users for curb space, charging on-street parking, loading zones, expanded bike parking, public space improvements, and waste containerization. Also planned are the use of new technologies for remote and flexible curb management, including installation of sensors and cameras to get real time data on such things as double parking and traffic congestion. DOT will be piloting these strategies with business improvement districts and other community-based organizations. The plan is in its early stages, and the Columbus Ave. BID on the Upper West Side will be DOT's first community pilot partner, to begin later this year. Many details still need to be worked out.

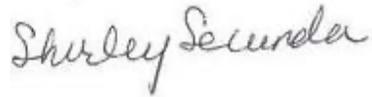
Both the Committee and the Community asked questions including: Will this include automated enforcement? Answer: DOT is definitely looking at increasing this with technology; is considering working with the MTA to install cameras on buses to respond to things like double parking and cars in bus lanes where they don't belong. What will be done with the "restaurant kiosks (many unused, badly maintained, intrusive)? Answer: Outdoor dining is taken into consideration with the Master Plan. DOT is now doing new rulemaking that will include a new fee schedule. Will this include more green space? Rain gardens? Answer: Idea is to move away from private space; there will be street seats, planters, landscaping, more amenities. Will take all these suggestions, including rain gardens back to those involved in the plan. How can CB2 get involved in the program and in a way that addresses its unique types of streets, configurations, circumstances? Answer: It's expected there will be opportunities for other

² Ibid.

neighborhoods to become involved - no timeline yet. The goal is to look at the individual neighborhoods and engage, to get a better understanding of the individual communities and what their pressing needs are.

A link to the plan is in footnote #1.

Respectfully submitted,



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

DRAFT

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LAND USE & HOUSING COMMITTEE

October 16, 2023

Manhattan Community Board 2 Land Use & Housing committee met Monday, October 16, 2023 @ 6:30 PM in person at St. Anthony's Church.

Land Use committee members present: Katy Bordonaro (Co-Chair), Eugene Yoo (Co-Chair), Donna Raftery, Frederica Sigel, Stella Fitzgerald, Carter Booth, Anita Brandt

Land Use committee members absent with notice: Michael Levine, Susan Wittenberg,

Land Use committee members absent without notice: David Gruber and Bo Riccobono

Land Use public members present: John Paul DeVerna and Sean Sweeney

Land Use public members absent with notice: none

CB2 members present: Jeannine Kiely (prior CB2 chair), Susan Kent (CB2 chair), Emma Smith, Lois Rakoff, Patricia Laraia, Chris Dignes, Anne Hager, Matthew Metzger, and Keen Berger

388 Hudson Street. Continued discussion based on HPD's Community Visioning Hearings.

Whereas:

1. In March 2023, CB2 passed a resolution urging maximization of affordable housing on the northern portion of 388 Hudson Street, including a NYC Department of Parks recreation center as a community facility at the site.
2. In April 2023, CB2 passed another resolution about 388 Hudson Street. At this time, CB2 focussed on issues relating to NYC DEP. CB2 requested that DEP's development rights be transferred from the southern portion to the northern portion of the lot and that the set-back proposed for the southern facade of the building be eliminated.
3. In July 2023, CB2 passed a resolution strongly recommending that the building at 388 Hudson include a NYC Parks recreation center of at least three floors at the base of the building; that the new building be contextual with, and sensitive to, the Greenwich

Village Historic District; that NYC HPD analyze all zoning options in order to maximize design flexibility and optimize the amount of affordable housing at the site; and that HPD share the draft RFP with CB2 for its review and feedback before it is finalized.

4. Since then NYC HPD has completed two public community engagement meetings on the development of permanent, 100% affordable housing at the site.
5. CB2 continues to press for maximizing the FAR of this building in order to maximize the production of 100% permanent affordable housing at this city-owned site which will benefit all New Yorkers. Very little housing has been built in the West Village in recent years. From 2010 to 2021 only 32 units of housing were built in this neighborhood.
6. CB2 is encouraged that HPD is looking at a variety of zoning options to maximize the development potential of 388 Hudson Street.
7. CB2 is encouraged that HPD is continuing to work closely with DEP to explore a number of factors, including the transfer of development rights from the southern water tunnel site to the north development site and the possibility of having below ground floors.
8. CB2 is encouraged that HPD understands the importance of Design Excellence for this building, which stands between the Greenwich Village Historic District and Hudson Square. Both CB2 and many community members emphasize the importance of this building as a bridge between these two districts and as an opportunity to introduce a building that contributes to the quality of space in our community board. For example, a building with a taller base and fewer set-backs could produce a shorter, more contextual, building with identical FAR.
9. CB2 is encouraged that HPD has explained the ways in which they intend to guarantee long-term affordability at this site, including the fact that this housing will be rent-stabilized in perpetuity.
10. CB2 supports HPD's vision of this site with mixed uses, including residential and a community facility, which we define as a NYC Department of Parks recreation center. Non-residential use on the ground floor can enhance street safety and evoke the spirit of Greenwich Village. We do not want to see the site wasted on retail uses for which there is plenty of opportunity in the vicinity. This is a unique opportunity to bring in a new recreation center.
11. CB2 is encouraged that HPD has engaged in discussions with community stakeholders, organizations, local elected officials, and the Community Board itself in order to create the best possible plan for 388 Hudson Street

Therefore be it resolved that

1. CB2 requests that HPD send CB2 a written explanation of the mechanisms and guarantees of the permanence and types of affordability at this site and build this explanation into the RFP.
2. CB2 supports HPD's efforts to examine a variety of zoning scenarios to maximize the FAR at this site, without sacrificing the need to produce a contextual building with respect to materials, window sizes, etc.
3. CB2 supports HPD's identifying further methods to address the overall height of the building without sacrificing FAR, for example by increasing the height of the base and permitting setbacks on the Clarkson Street facade only

4. CB2 supports HPD in its ongoing discussions with DEP, including the following topics:
 - a. Elimination of the need for a setback on the southern façade of the 388 Hudson Street development portion;
 - b. The ability to build below-grade levels for the building; and
 - c. Transfer of development rights from the southern portion of the site to the northern portion;
 - d. CB2 continues to support the creation of a multistory, NYC Parks Department, full-service recreation facility in the base of the building;
 - e. CB2 continues to request that HPD share the draft RFP with CB2 for its review and feedback before it is finalized.

Passed Unanimously

Respectfully submitted,

Eugene Yoo
Co-chair

Katy Bordonaro
Co-chair

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*
Mark Diller, *District Manager*

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The Community Board 2, Manhattan Landmarks and Public Aesthetics Committee held its monthly meeting on October 12, 2023 in person at the District Office, 3 Washington Square Village, Suite 1A, New York, NY 10012, and by hybrid video conferencing.

Committee Members Present: Susan Gammie (ViceChair), Valerie De La Rosa, Brian Pape, Eugene Yoo (remote), Anita Brandt, Ryder Kessler, Zachary Roberts (remote)

Board Members Absent with Notice: Chenault Spence (Chair), Bo Riccobono

Public Members Present: Albert Bennett

Public Members Absent with notice: Andy Clark, Brenden Fitzgerald

Board members: Susan Kent, Chair CB2

Vice-Chair, Susan Gammie, presided at the meeting and prepared the resolutions.

1. ***17 Barrow St. – Application is to install a metal gate at the stoop entrance.**

Whereas:

- A. The applicant expressed the need for adding a metal gate due to ongoing security concerns; and
- B. The proposed design is discordant with the late Federal style of the building; and
- C. The stoop gate examples presented in support of neighborhood context all contain decorative elements, while the proposed gate is utilitarian; and
- D. The drawing of the stairs and landing does not match the existing stoop; and
- E. The lack of newel posts further accentuates the visual imbalance of the design, now

Therefore be it resolved that CB2 Manhattan recommends denial of the gate as presented and recommends that the applicant return with a design that is more sensitive to and inspired by the late Federal style property.

6 in Favor, one abstention (Kessler)

2. *27 E. 11th St. –Application is to modify existing 4th Floor rear façade and skylight configuration and modify the terrace.

Whereas:

- A. The proposal seeks to modify and improve, both aesthetically and structurally, aspects of a previously approved 2012 renovation; and
- B. The changes to the rear façade are confined to the 4th floor, are respectful of the existing tea house structure below, and are inspired by the top floor ateliers that are characteristic of the district; and
- C. The choice of materials (recycled brick, zinc-coated standing seam roof, and dark bronze skylight) are commendable; and
- D. Although the skylight would be even more evocative of the classic Village atelier that serves as its inspiration if it were taller, the symmetrical repositioning of the skylight, aligned with French doors below, is an improvement, now

Therefore be it resolved that CB2 Manhattan recommends approval of the proposal.

Unanimous

3. *560 Broadway -Application is to install signage, awnings, flagpole and flag, install louvers, paint at the exterior windows, and install double doors in an existing door opening.

Whereas:

- A. 560 Broadway is an exceptionally handsome masonry building that anchors the busy corner of Prince Street; and
- B. The applicant proposes an overwhelming and excessive branding program of signage, flag and flagpole, and many multiple awnings on the first and second floors which, when viewed collectively, serve to clutter and obscure a beautiful historic building; and
- C. There are twenty separate retractable awnings, each displaying the store name, as well as 3D brass signs on each of the multiple storefront windows on Broadway, and vinyl decal signs on every Prince Street window, all of which are in addition to 12” high pin-mounted halo lit signs applied to both the Broadway and Prince Street sign bands; and
- D. The flagpole and enormous flag shown in the rendering are prominently positioned, exacerbate the corner’s visual clutter and are redundant, given the number of other places the brand name is proposed to be displayed; and

- E. The first and second floor windows are to be painted in an unobjectionable dark color; and
- F. Existing louvers are to be relocated and some additional installed, and new double doors are to be installed in an existing opening; and
- G. Neighborhood residents, including a representative of the Broadway Residents Coalition, expressed strong objection to the visual clutter created by the multiple awnings and many signs, now

Therefore be it resolved that CB2 Manhattan recommends:

- A. Approval of the pin-mounted signage on both sign bands, of the brass signs and vinyl decals mounted on the storefront windows, and
- B. Approval of installation of louvers, painting of window frames, installation of double doors, and
- C. Approval of street level awnings on both streets, noting concern about rain run-off from the awnings dripping directly onto people entering and exiting the subway station on Prince Street, and
- D. Denial of the flagpole and flag, and of the second story awnings, as being overkill. This is consistent with the Board's position on an earlier application (December 2013), submitted by a different applicant, who similarly sought approval for an excessive number of awnings, a flagpole, and a flag.

Unanimous

- 4. ***75 Varick St. (Individual Landmark) – Application is to install glass railings and to modify existing window openings to install doors. on a terrace.**

Whereas:

- A. The applicant seeks to discretely transform an existing setback located on an upper floor, into a usable planted terrace space for prospective tenants; and
- B. This will involve removal of an existing guardrail, roofing, and two window assemblies; and
- C. The parapet and original terra coping are to remain, the new guardrail is to be of “non-reflective” glass, set back from the parapet and minimally visible from any public thoroughfare; and

D. A new door and window infill system is to replace two window bays, and will match in material, finish and alignment with the existing windows and thereby maintain the design elements that help define this individual landmark, and

E. Neither the glass railings nor the planters will have a negative impact on the historic building, now

Therefore be it resolved that Manhattan CB2 recommends approval of this proposal in its entirety.

Unanimous

Respectfully Submitted,



Chenault Spence

DRAFT

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



Antony Wong, *Treasurer*
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SLA LICENSING COMMITTEE 1

The SLA Licensing Committee #1 of Community Board 2, Manhattan, held an in person, non-hybrid meeting at 6:30 PM on Tuesday, October 3, 2023, at Church of St. Anthony of Padua, Lower Hall, 154 Sullivan St.

Committee Board Members Present: D. Raftery (Chair), C. Booth, C. Flynn, L. Rakoff, Dr. S. Smith and S. Wittenberg

Committee Board Members Absent with Notice: A. Wong

RESOLUTIONS:

1. **OUJI 196 Inc dba OUJI 196, 196 Prince St 10012** (New RW–Restaurant) (*previously unlicensed*)
 - 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 new Restaurant Wine license for a full-service sushi restaurant located in the cellar of an R7-2 zoned, four (4)-story tenement-style residential building (c. 1832) on Prince Street between Sullivan and Thompson Streets (Block #504 / Lot #22), the building falling within NYC LPC’s designated Sullivan-Thompson Historic District; and
 - ii. **Whereas**, the storefront premises is roughly 900 sq. ft.; there will be three (3) tables with 12 seats and one (1) sushi bar with 12 seats for a total patron occupancy of 24 seats; there is one (1) entryway serving as both 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; there will be no outdoor seating; and
 - iii. **Whereas**, the hours of operation will be from 11 AM to 11 PM Sundays through Thursdays and 11 AM to 12 AM Fridays and Saturdays; 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 previously unlicensed, below-grade premises had been operating as Red and White Spa from approximately 2015 to 2019 and prior to that as Erbe Spa, a long-standing neighborhood fixture, from 1988 to 2014; and

- v. **Whereas**, concerns were raised about another retail space being replaced with an eating and drinking establishment, there already are a significant number of licensed establishments in both Community Board 2 and in the immediate area, there being **72 active liquor licenses** within 750 feet of the proposed premises to be licensed and an additional 5 pending licenses within this same area, this application being for the service of Beer and Wine only and thus not subject to the 500 Foot Rule; and
- 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 new Restaurant Wine License, with those stipulations as follows:
1. Premises will be advertised and operated as a full-service sushi restaurant with the kitchen open and full menu items available until closing every night.
 2. The hours of operation will be 11 AM to 11 PM Sundays through Thursdays and 11 AM to 12 AM Fridays and Saturdays. No patrons will remain after stated closing time.
 3. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
 4. Will not operate a backyard garden or any other outdoor area for commercial purposes including any sidewalk café and/or roadbed seating.
 5. Will play quiet ambient recorded background music only. No music will be audible in any adjacent residences anytime.
 6. Will not have televisions.
 7. Will close all doors and windows at all times allowing only for patron ingress and egress.
 8. Will not install or have French doors, operable windows or open facades.
 9. Will not make changes to the existing façade except to change signage or awning
 10. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
 11. Will provide a Letter of No Objection permitting eating and drinking for store front premises proposed to be licensed prior to issuance of license.
 12. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.”
 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: dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel/door staff.
 15. Will not add more principals as presented to CB2 with greater than 20% share of business prior to submission of original application to the NYSLA.
 16. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
 17. Will appear before CB2, Man. for alteration to license prior to submitting plans for any sidewalk, roadbed or other outdoor seating.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the application for a new Restaurant Wine License for **OUI 196 Inc dba OUI 196, 196 Prince St 10012, 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 in favor (6–0)

2. Kiko NYC LLC dba Kiko 307 Spring St 10013 (OP–Restaurant)

- i. Whereas**, the Applicants and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Committee #1 to present an application to the NYS Liquor Authority for an On-Premises Liquor License for a Japanese–American restaurant located in the ground floor of a M1-6 -zoned, five (5)-story, tenement style, mixed-use building (c. 1900) on Spring Street between Renwick and Greenwich Streets (Block #597/Lot #33), the building falling within the Special Hudson Square; and
- ii. Whereas**, the ground floor premises is approximately 3,800 sq. ft. with approximately 2,300 sq. ft. on the ground floor connected to 1,500 sq. ft. in the basement by an interior staircase, there being no patron use of the basement, the basement for storage purposes only; there will be 24 tables with 49 seats and one (1) bar with 11 seats for a total patron occupancy of 60 seats with a maximum legal occupancy of 74 persons; there is one (1) entry which will serve as patron ingress and egress and two (2) patron bathrooms; the existing premises does have a set of French doors running along the front façade facing the sidewalk in front, the Applicant agreeing to close those the operable doors at all times; and
- iii. Whereas**, the hours of operation will be from 11 AM to 12 AM Sundays through Thursdays and 11 AM to 1 AM Fridays and Saturdays; music will be quiet background only consisting of music from iPod/CDs/streaming services; there will be no dancing, DJs, promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers and no security personnel; and
- iv. Whereas**, there may be a sidewalk café located immediately adjacent to the building; all outdoor seating will end by 10 PM nightly; and
- v. Whereas**, the storefront premises was previously operated with an On-Premises liquor license as CP Spring St LLC dba Coco Pizzeria South (SN# 1335736) from 2021 to 2023 and prior to that as Spring Leopard LLC dba Giorgione (SN#1121884) from 2001–2020, both with a similar method of operation; and
- 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 Restaurant Liquor License, with those stipulations as follows:
 1. Premises will be advertised and operated as full-service Japanese–American restaurant with the kitchen open and full menu items available until closing every night.

2. The hours of operation will be from 11 AM to 12 AM Sundays through Thursdays and 11 AM to 1 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 outdoor area for commercial purposes except for a sidewalk café located immediately adjacent to the storefront complying with all outdoor dining and sidewalk regulations.
 5. No roadbed seating.
 6. All outdoor seating will close no later than 10 PM. All tables and chairs will be removed from the sidewalk at this hour. No exterior music, speakers or TVs.
 7. Will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at any time.
 8. Will not have televisions.
 9. Will close all doors and windows at all times allowing only for patron ingress and egress.
 10. Will not have patron occupancy/service to any portion of the basement of licensed premises.
 11. Will not make changes to the existing façade except to change signage or awning.
 12. Will comply with NYC Department of Buildings Regulations and will keep current at all times required Permits and Certificates.
 13. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
 14. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
 15. Will not have any of the following: dancing, DJs, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel or doorman.
 16. Will not add more principals as presented to CB2 with greater than 20% share of business prior to submission of original application to the NYSLA.
 17. Will appear before CB2, Man. prior to submitting changes to any stipulation agreed to herein.
 18. Will appear before CB2, Man. for alteration to license prior to submitting plans for roadbed or other outdoor seating, except for sidewalk seating.
- vii. **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 are a number of licensed establishments in Community Board 2 and in the immediate area, there being **21 active licensed premises** within 750 feet of the subject premises, in addition to 4 pending licenses, the method of operation being similar to past licensees with the hours of operation being reasonable, the Applicant executing a stipulations agreement with Community Board 2 Manhattan for the sole purpose of establishing public interest; and

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 **Kiko NYC LLC dba Kiko 307 Spring St 10013** unless the statements presented by the Applicant are accurate and complete and that all the conditions and stipulations agreed to by the Applicant are incorporated

into the “Method of Operation” of the NYSLA Liquor License in order to create public interest for the issuance of this liquor license.

Vote: Unanimous in favor (6–0)

3. Citizens of Soho LLC dba Citizens of Soho, 201 Lafayette St, 10012 (OP–Restaurant) (Class Change) (Change in Method of Operation)

- i. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Committee #1 to present an application to the NYS Liquor Authority for an upgrade of their Restaurant Wine License (SN#1321841) to an On-Premises Liquor License and for a Change in Method of Operation (to extend hours of operation and to add live music) in their operation of an Australian-style brunch café located in the ground floor of a C6-2 -zoned, seven (7)-story, commercial building (c. 1900) on Lafayette Street between Broome and Kenmare Streets (Block #482/Lot #7501), the building falling within NYC LPC’s designated SoHo-Cast Iron Historic District; and
- ii. Whereas**, the ground floor premises is approximately 2,075 sq. ft. with approximately 1,475 sq. ft. on the ground floor connected to 600 sq. ft. in the basement by an interior staircase, there being no patron use of the basement, the being used for storage and patron bathroom access, there being no service of alcohol to patrons in the basement; there will be 17 tables with 52 seats and one (1) bar with 15 seats for a total patron occupancy of 67 seats; there are two (2) entries which will serve as patron ingress and egress and one (1) patron bathrooms; the store front infill being fixed with no operable doors or windows that open out to the sidewalk; and
- iii. Whereas**, in addition to the Change in Class of liquor license, the Change in Method of Operation is to extend the hours of operation from 7 PM nightly to 1 AM Sundays through Wednesdays and 2 AM Thursdays through Saturdays and add live jazz music about 1x/week, this being a change in method of operation from a brunch-based establishment closing by 7 PM to the addition of an evening bar/restaurant, the menu provided not illustrating a change to support a full-service dinner restaurant, the application also including both sidewalk and roadbed seating where the original application had no outdoor seating and therefore less quality of life impacts for surrounding residents; and
- iv. Whereas**, nearby residents spoke to raise concerns of adding another full liquor license to an area already densely saturated with liquor licenses, the original support of the restaurant wine license being the earlier hours and lack of outdoor seating, the hours requested being later than the surrounding restaurants, additional concerns being that the change in method of operation for the evening hours were in sharp contrast to, and a departure from, their brunch-based brand which had not had much of an impact on the immediate area; and
- v. Whereas**, upon hearing the concerns of the community and acknowledging that the extended hours were a new concept for the brand, the Applicant reduced the hours of operation of the instant application to 7:30 AM to 12 AM Sundays through Saturdays (7 days a week) and

eliminated the live music component keeping music at quiet background levels only consisting of music from iPod/CDs/streaming services; there will be no dancing, DJs, promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers and no security personnel; and

vi. Whereas, there may be a sidewalk café located immediately adjacent to the building; the pandemic-related roadbed seating will be removed by December 1, 2023; there will be no future roadbed seating; all outdoor seating will end by 7 PM nightly; 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 full-service Australian-style brunch café and evening full-service restaurant/modern cocktail bar with the kitchen open and full menu items available until closing every night.
2. The hours of operation will be from 7:30 AM to 12 AM Sundays Saturdays (7 days a week). No patrons will remain after stated closing time.
3. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
4. Will not operate a backyard garden or any outdoor area for commercial purposes except for a sidewalk café located immediately adjacent to the storefront complying with all outdoor dining and sidewalk regulations.
5. Will remove pandemic-related roadbed seating by December 1, 2023.
6. There will be no future roadbed seating.
7. All outdoor seating will close no later than 7 PM. No exterior music, speakers or TVs.
8. Will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at any time.
9. Will not have televisions.
10. Will close all doors and windows at all times allowing only for patron ingress and egress.
11. Will not have service of alcohol to any portion of the basement of licensed premises. Patron use is for bathroom access only.
12. Will not install or have French doors, operable windows or open facades.
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 keep current at all times required Permits and Certificates.
15. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
16. Will use Cleveland Place door for emergency egress only.
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, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel or doorman.

19. Will not add more principals as presented to CB2 with greater than 20% share of business 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 any roadbed or other outdoor seating except for sidewalk seating.

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 are a significant number of licensed establishments in Community Board 2 and in the immediate area, there being **76 active licensed premises** within 750 feet of the subject premises, in addition to 1 pending licenses, the Applicant working with the community to establish reasonable hours of operation, the Applicant executing a stipulations agreement with Community Board 2 Manhattan for the sole purpose of establishing public interest; and

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for an upgrade to an On-Premises Restaurant Liquor License in the name of **Citizens of Soho LLC dba Citizens of Soho, 201 Lafayette St, 10012** **unless** the statements presented by the Applicant are accurate and complete and that all the conditions and stipulations agreed to by the Applicant are incorporated into the “Method of Operation” of the NYSLA Liquor License in order to create public interest for the issuance of this liquor license.

Vote: Unanimous in favor (6–0)

- 4. Nolita Pizza Inc dba Nolita Pizza, 68 Kenmare St aka 185 Mott Street 10012** (New RW–Restaurant) *(previously unlicensed)*
 - i. Whereas**, the Applicant and Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Committee #1 to present an application to the NYS Liquor Authority for a new Restaurant Wine license for a full-service Italian restaurant and pizzeria located in the ground floor of an C6-1-zoned, five (5)-story tenement-style mixed use building (c. 1900) on Kenmare Street between Mott and Mulberry Streets (Block #480 / Lot #33), the building falling within NYC’s Special Little Italy District; and
 - ii. Whereas**, the storefront premises is roughly 1,3335 sq. ft.; with approximately 650 sq. ft on the ground floor and 685 sq. ft in the cellar, the basement being connected by both an interior staircase and exterior sidewalk hatch, there being no patron use of the basement, the basement for storage purposes only; there will be 10 tables with 28 seats and no (0) bars for a total patron occupancy of 28 seats; there is one (1) entryway serving as both 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; there will be no outdoor seating; and
 - iii. Whereas**, the hours of operation will be from 11 AM to 2:30 AM Sundays through Thursdays and 11 AM to 5:30 AM Fridays and Saturdays with the service of alcohol ending at 1 AM

every night (7 days a week); 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 previously unlicensed location had operated as a Western Chinese restaurant (Xi'an Famous Foods) without a liquor license from approximately 2016 to 2018 and with Nolita Pizza opening in 2019 with the same hours as the instant application albeit without a liquor license, the Applicant expanding within the past year to the next door storefront (66 Kenmare Street), the premises connected via an interior doorway, the original storefront being quite small with limited seating; and
- v. **Whereas**, the Applicant agreeing to cease the sale of alcohol at 1 AM nightly, the premises having operated with the proposed hours since 2019 without the sale of alcohol with no complaints,
- vi. **Whereas**, there already are a significant number of licensed establishments in both Community Board 2 and in the immediate area, there being **100 active liquor licenses** within 750 feet of the proposed premises to be licensed and an additional 4 pending licenses within this same area, 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 Restaurant Wine License, with those stipulations as follows:
 - 1. Premises will be advertised and operated as a full-service Italian restaurant and pizzeria with the kitchen open and full menu items available until closing every night.
 - 2. The hours of operation will be 11 AM to 2:30 AM Sundays through Thursdays and 11 AM to 5:30 AM Fridays and Saturdays with the service of alcohol ending at 1 AM every night (7 days a week). No patrons will remain after stated closing time.
 - 3. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
 - 4. Will not operate a backyard garden or any other outdoor area for commercial purposes including any sidewalk café and/or roadbed seating.
 - 5. Will play quiet ambient recorded background music only. No music will be audible in any adjacent residences anytime.
 - 6. Will have no more than one (1) television no larger than 60". There will be no projectors.
 - 7. Will close all doors and windows at all times allowing only for patron ingress and egress.
 - 8. Will not have patron occupancy/service to any portion of the basement of licensed premises.
 - 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 provide a Letter of No Objection permitting eating and drinking for store front premises proposed to be licensed prior to issuance of license.

13. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.”
14. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
15. Will not have: dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel/door staff.
16. Will not add more principals as presented to CB2 with greater than 20% share of business prior to submission of original application to the NYSLA.
17. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
18. Will appear before CB2, Man. for alteration to license prior to submitting plans for any sidewalk, roadbed or other outdoor seating.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the application for a new Restaurant Wine License for **Nolita Pizza Inc dba Nolita Pizza, 68 Kenmare St aka 185 Mott Street 10012**, **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 in favor (6–0)

- 5. Le Comptoir Inc dba Chateau Rouge, 137 Thompson St 10012** (New TW–Tavern) *(previously unlicensed)*
 - i. Whereas**, the Applicant and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Committee #1 to present an application to the NYS Liquor Authority for a new Tavern Wine license to operate a restaurant serving dishes from West Africa and France located in the ground floor of an R7-2 zoned, five (5)-story tenement-style residential building (c. 1875) on Thompson Street between West Houston and Prince Street (Block #517 / Lot #31), the building falling within NYC LPC’s designated Sullivan-Thompson Historic District; and
 - ii. Whereas**, the storefront premises is roughly 500 sq. ft.; there will be one (1) table with eight (8) seats and two (2) seats at a window counter for a total patron occupancy of ten (10) seats; there is one (1) entryway serving as both 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; there will be no outdoor seating; and
 - iii. Whereas**, the hours of operation will be from 8 AM to 12 AM Sundays through Thursdays and 8 AM to 1 AM Fridays and Saturdays; 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 previously unlicensed premises had been operating as Thompson Street Nails from at least 2009 to 2019 and then briefly as a Covid testing space; and
- v. **Whereas**, the Applicant, who briefly had a restaurant (Le Succulent) in Park Slope, initially appeared before CB2, Manhattan in September/2023 at which time many adjacent and nearby residents came to voice their significant objection and opposition to the application, this being a particularly quiet residential block with a school and various houses of worship, numerous quality of life concerns being raised regarding the impacts of a restaurant operating from 8 AM to 1 AM including the impacts of noise from patrons coming and going until late evening, there being no plan for soundproofing of the small space, the impacts of noise on the upstairs neighbors not only from patrons but from staff arriving very early in the morning and leaving late at night, additional concerns regarding the very small size of the space — the kitchen consisting only of a convection oven and dishwasher, the Applicant stating that part of the food would be prepared off-site and heated at the location, concerns regarding the mismatch between the menu of charcuterie and cassoulet and the size of the kitchen with only 10 seats that this would be more of a wine bar and less a full-service restaurant as was being presented, residents worrying that the plumbing in the building was not adequate to handle the burdens of a restaurant in addition to the needs of the existing residents and there being no plans shown illustrating venting, soundproofing and the additional plumbing requirements of a restaurant; there had been no outreach to those living in the building or on the block, residents on the block also being impacted on a daily basis with traffic as Thompsom Street acts as a thoroughfare to the Holland Tunnel; and
- vi. **Whereas**, upon hearing the concerns of the local residents the Applicant agreed to lay the application over until this month in order to meet with area residents; having conducted that meeting residents again showed up in opposition to the application with no one speaking in favor, voicing the same concerns as previously expressed, many more strongly than before after seeing the size of the actual premises, concerns remained about the viability of operating a restaurant in the premises, continued concerns regarding noise from all aspects of the operation including trash pick-up in the middle of the night in addition to the 16 hours of operation, the hours leaving the residents with only a few hours in the middle of the night of quiet, the Applicant being unable to make any adjustment to the operating hours, the limited size of the premises not appearing to be able to support the type of restaurant or method of operation being presented, concerns continuing to be raised that the operation will be that of a wine bar instead of a full-service restaurant as described, there being no Letter of No Objection for an eating and drinking establishment at the premises; and
- vii. **Whereas**, there also exists the concern that another small retail space being replaced with an eating and drinking establishment, there already are a significant number of licensed establishments in both Community Board 2 and in the immediate area, there being **69 active liquor licenses** within 750 feet of the proposed premises to be licensed and an additional 5 pending licenses within this same area, 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 Tavern Wine License for **Le Comptoir Inc dba Chateau Rouge, 137 Thompson St 10012**; 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 NYSLA; and

Vote: Unanimous in favor (6–0)

6. Cantiere NY LLC dba Cantiere Hambirreria, 41 Kenmare St 10012 (TW–Bar/Tavern)

- i. Whereas**, the Applicant and Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Committee #1 to present an application to the NYS Liquor Authority for a Tavern Wine license for a bar/tavern serving Italian sandwiches and burgers located on the ground floor of a C6-1 zoned, six (6)-story tenement-style residential building (c. 1900) on Kenmare Street between Mott and Elizabeth Streets (Block #479 / Lot #5), the building falling within the Special Little Italy District; and
- ii. Whereas**, the storefront premises is roughly 2,300 sq. ft. comprised of a ground floor of approximately 1,150 sq. ft. connected by an exterior staircase (for use by employees only) to a cellar of 12 tables with 33 seats and one (1) food counter with eight (8) seats for a total patron occupancy of 41 seats and a maximum legal occupancy of 74 persons; there is one (1) entryway serving as both patron ingress and egress and one (1) patron bathroom; there are accordion doors which open out to the sidewalk; and
- iii. Whereas**, the hours of operation will be from 11 AM to 12 AM Sundays through Saturdays (7 days a week); all doors will close at 10 PM nightly; music will be quiet background only from iPod/CDs/streaming services, there will be one (1) television showing cooking shows, 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**, there may be a sidewalk café located immediately adjacent to the building as the previous occupant had a DCWP-approved sidewalk café; there will be no roadbed seating; all outdoor seating will end by 10 PM nightly; and
- v. Whereas**, the premises had previously been operating as Charley St. from July 2018 to approximately 2023 with a Restaurant Wine license (SN#1335712) since 2021 and a similar method of operation; and
- vi. Whereas**, there being **98 active liquor licenses** within 750 feet of the proposed premises to be licensed and an additional 4 pending licenses within this same area, 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 Tavern Wine License, with those stipulations as follows:

1. Premises will be advertised and operated as a tavern that will focus on Italian sandwiches and burgers 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). No patrons will remain after stated closing time.
3. Will not operate as a Lounge or Sports Bar or allow any portion of premises to be operated in that manner.
4. Will not operate a backyard garden or any outdoor area for commercial purposes except for a sidewalk café located immediately adjacent to the storefront complying with all outdoor dining and sidewalk regulations.
5. No roadbed seating.
6. All outdoor seating will close no later than 10 PM. All tables and chairs will be removed from the sidewalk at this hour. No exterior music, speakers or TVs.
7. Will play quiet ambient recorded background music only. No music will be audible in any adjacent residences anytime.
8. Will have no more than one (1) television no larger than 60". There will be no projectors.
9. Will close all doors and windows at 10 PM every night, allowing only for patron ingress and egress.
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.”
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: dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel/door staff.
15. Will not add more principals as presented to CB2 with greater than 20% share of business prior to submission of original application to the NYSLA.
16. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
17. Will appear before CB2, Man. for alteration to license prior to submitting plans for any sidewalk, roadbed or other outdoor seating.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the application for a Tavern Wine License for **Cantiere NY LLC dba Cantiere Hambirreria, 41 Kenmare St 10012**, **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 in favor (6–0)

7. 130 Bowery OPCO Tenant LLC, 130 Bowery 10013 (OP–Catering Facility) (Transfer)

- i. **Whereas**, the Applicant and Applicant's Attorney appeared before Community Board 2, Manhattan's SLA Committee #1 to present an application to the NYS Liquor Authority for an On-Premises Catering License to operate a private-event space in a C6-1G/C6-2-zoned (use group 9A) two-story, commercial building constructed in 1895 on the Bowery between Broome and Grand Streets (Block #470/Lot #61) and which is located in the former Bowery Savings Bank, an individual landmarked building, the building falling within the Special Little Italy District; and
- ii. **Whereas**, the premises to be licensed has operated as MM 130 Bowery Restaurant Corp. dba Capitale (SN# 1121708, exp. 9/30/24) since approximately 2002, this being a sale of the assets to a new entity; and
- iii. **Whereas**, the method of operation will continue to remain as a private-event venue in a space of approximately 15,000 sq. ft. (distributed among a cellar, first floor, and mezzanine) and a maximum occupancy of 810 persons, with the number of chairs, tables and overall seating determined by the specific requirements of the individual events held therein; the premises has two (2) entrances, eight (8) exits, and six (6) bathrooms; and
- iv. **Whereas**, the hours of operation will be from 9 AM to 2 AM Sundays through Thursdays and 9 AM to 3 AM Fridays and Saturdays; all doors will be closed at all times; there will be no no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; there will be a traffic plan put in place to ensure for-hire vehicles do not block the flow of traffic and that arriving and departing guests do not block the sidewalk; the ADA Access Ramp will be removed when events are not occurring; and
- v. **Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan which has been incorporated into the existing Method of Operation of the On-Premises Catering License, with those stipulations as follows:
 1. The premises will be advertised and will operate as a catering establishment hosting private events.
 2. The hours of operation will be from 9:00 AM to 2:00 AM Sundays through Thursdays and 9:00 AM to 3:00 AM Saturdays and Sundays.
 2. It will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
 3. Will not operate a backyard garden or any other outdoor area for commercial purposes including any sidewalk café and/or roadbed seating
 4. Will not have televisions.
 5. Will close all doors and windows at all times allowing only for patron ingress and egress.
 6. Will not have patron occupancy/service to any portion of the basement of licensed premises
 7. The Applicant will not install or have French doors, operable windows or open façades.
 8. Will not make changes to the existing façade except to change the signage or awning.
 9. Will ensure that there are not lines outside so as not to cause a disturbance to pedestrian flow

10. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
11. Will not have: promoted events, any event where a cover fee is charged, scheduled performances or velvet ropes or metal barricades.
12. Will not add more principals as presented to CB2 with greater than 20% share of business 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 any sidewalk, roadbed or other outdoor seating.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the application for a On-Premises Catering Liquor License for **130 Bowery OPCO Tenant LLC, 130 Bowery 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 in favor (6–0)

8. Fellini Soho Corp, 120 Thompson St 10012 (New TW–Tavern) (*previously unlicensed*)

- i. Whereas**, the Applicant and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Committee #1 to present an application to the NYS Liquor Authority for a new Tavern Wine license to operate a daytime coffee shop and evening wine and dessert bar on the ground floor of an R7-2 zoned, six (6)-story tenement-style residential building (c. 1904) on Thompson Street between Prince and Spring Streets (Block #502 / Lot #16), the building falling within NYC LPC’s designated Sullivan-Thompson Historic District; and
- ii. Whereas**, the storefront premises is roughly 300 sq. ft.; there will be one (1) table with three (3) seats and one (1) bar with seven (7) for a total patron occupancy of ten (10) seats; there is one (1) entryway serving as both patron ingress and egress and one (1) bathroom; they will be changing the fixed window to an operable window that opens out to the sidewalk; there will be no outdoor seating; and
- iii. Whereas**, the hours of operation will be from 7 AM to 12 AM Sundays through Saturdays (7 days a week); 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 previously unlicensed premises had been operating as The Hat Shop from 1995 to approximately 2022 when it’s lease was not renewed and they moved to Sullivan Street, the principal of The Hat Shop being [a long-standing pillar of the community](#); and
- v. Whereas**, there was opposition to this application, the Applicant being the owner, operator and licensee of another establishment in Community Board 2 since 2017 (Super Noriega LLC, dba Baby Brasa, OP 1299007, 173 Seventh Avenue South) which has been the subject of

significant complaints over the years, resulting in numerous violations, fines and disciplinary actions for his repeated failures to follow rules and regulations pertaining to liquor licensing, sidewalk cafes, outdoor dining, and landmarking protections, for playing very loud bass-heavy club music at all hours of operation while its SLA license specified background music on the interior premise only, serving customers on the outside sidewalk in an area not covered by its SLA license, painting large self-promoting signage on the building without permission from the Landmarks Preservation Commission, and distributing bright yellow stickers that appeared throughout the neighborhood resulting in Sanitation Department violations, the number of warnings and violations relating to the illegally installed outdoor café (10) resulting in the business being padlocked by the NYC Department of Consumer Affairs on September 6, 2019 and again September 13, 2019 after the Applicant ignored the initial closure notices affixed to his business by forcefully and impermissibly removing the padlock; and

- vi. Whereas**, additionally the Applicant is also the owner, operator and licensee of a new establishment at 176 7th Avenue So, Pyramid Effect LLC dba Tivoli & Fellini (SN#1354240) and branded as Fellini on the storefront, having come before CB2, Man. in October/2022 for a restaurant wine license at that location with the CB2 board recommending denial of the license, the application being for beer and wine only and thus not subject to the 500 Foot Rule; the premises operating similarly to the instant application as a coffee and wine bar with an open window has had seating and crowds blocking the sidewalk from morning until late evening with no effective effort being made to keep the sidewalk area passable for pedestrians; and
- vii. Whereas**, the Applicant stating that he has learned from his past missteps and has matured over the years, that the type of place he wants to operate is different; concerns being raised that the recently opened coffee/bar space on 7th Avenue, with a similar method of operation albeit being a larger interior space, seems to have significant negative impacts on exterior sidewalk area during all hours of operation, despite the same story being told at the time of that application; and
- viii. Whereas**, area residents, including those living above the premises proposed to be licensed, appeared to voice their opposition to the application citing various quality of life concerns ranging from patron noise both during the daytime and evening hours, with building residents working from home, there already being significant nighttime noise in the area including from the recently-opened neighboring restaurant (160 Prince LLC dba Milady's, SN#1352109); concerns over the smell of both coffee and patrons smoking with no plans for venting shown; the Applicant offering an unlimited, all you can drink, monthly coffee subscription to keep the price point low, additional concerns being raised that this will lead to more crowding in this mid-block, residential location, the instant application only having seating for 10 persons with the installation of a service window to the outside allowing for crowds accumulating on the sidewalk waiting for window service, the Applicant operating other establishments within the district and not illustrating the ability to control crowding or operate in a manner that will not have a significant impact on this residentially-zoned block; and
- ix. Whereas**, there also exists the common concern that another previously unlicensed small retail space is being replaced with an eating and drinking establishment run by an operator with a

terrible track record in an exclusively residentially zoned area, there already are a significant number of licensed establishments in both Community Board 2 and in the immediate area, there being **71 active liquor licenses** within 750 feet of the proposed premises to be licensed and an additional 5 pending licenses within this same area, 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 Tavern Wine License for **Fellini Soho Corp, 120 Thompson St 10012**; 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 NYSLA; and

Vote: Unanimous in favor (6–0)

9. Ayah NYC LLC fka Entity to be Formed by Cole Bernard, Joseph Benvenisti 77 W. Houston St. 10012 (OP–Restaurant) (Transfer)

- i. Whereas**, the Applicant and Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Licensing Committee #1 for an On-Premises Restaurant Liquor License to operate a full service French Moroccan restaurant on the 2nd floor of an M1-5/R7X-zoned, two-story commercial building (circa 1987) on East Houston Street between West Broadway and Wooster Street (Block #515/Lot #15), the building falling within the Special SoHo-NoHo Mixed Use District; and
- ii. Whereas**, the storefront address sought to be licensed has its single patron entrance/exit on West Houston Street, leading to the second floor premises, the second floor premises having previously operated as a restaurant and lounge (Babushka NYC LLC dba Slava, SN# 1343448), the instant application being a transfer of assets with the method of operation remaining the same; and
- iii. Whereas**, the main patron entrance on the ground level storefront is located behind a bus stop on West Houston Street, immediately leading to an interior staircase taking all patrons to the 2,500 sq. ft. second floor, where there is vented full service kitchen, 27 tables and 110 table seats, 1 bar with 15 additional seats for a total interior occupancy for 125 patrons on the second floor only, two bathrooms, the storefront’s infill and windows facing Houston Street being fixed, without operable windows there is also a service entrance on Wooster but such will not be used for patrons; and,
- iv. Whereas**, the hours of operation for the interior are Sundays from 5 PM to 12 AM, Mondays to Wednesdays and 5 PM to 1 AM, Thursdays through Saturdays 5 PM to 2 AM, there will be no exterior areas for the service of alcohol, there will be no TVs, music on the interior will be quiet background consisting of music from iPods/CD’s/streaming services; there will be no DJs, no promoted events, no scheduled performances or cover fees, no velvet ropes and no movable barriers; and

v. **Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan that they agreed to submit to the NYSLA and agreed would be attached and incorporated into the method of operation of the On-Premises Restaurant Liquor License, with those stipulations as follows:

1. The licensed premises will be advertised and operated as a full-service French Moroccan restaurant the kitchen open and full menu items available until closing every night.
2. The hours of operation will be Sundays from 5 PM to 12 AM, Mondays to Wednesdays and 5 PM to 1 AM, Thursdays through Saturdays 5 PM to 2 AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. Will not operate a backyard garden or any other outdoor area for commercial purposes including any sidewalk café and/or roadbed seating.
5. Will play quiet ambient recorded background music only. No music will be audible in any adjacent residences.
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. The premises will not have dancing, DJ's, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades and security personnel/doorman.
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 wine products.
14. Will not add more principals as presented to CB2 with greater than 20% share of business prior to submission of original application to the NYSLA.
15. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
16. Will not change any principals prior to submission of original application to SLA.
17. Will appear before CB2, Man. for alteration to license prior to submitting plans for any sidewalk, roadbed or other outdoor seating.

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends **denial** of an application for a On-Premises Restaurant Liquor License for **Ayah NYC LLC fka Entity to be Formed by Cole Bernard, Joseph Benvenisti 77 W. Houston St. 10012** **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 in favor (6–0)

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

10. 770 Kitchen LLC dba Sweet Rehab, 135 Sullivan St. 10012 (TW–Bar/Tavern) (Change in Method of Operation–increase interior and exterior hours by one hour)

Whereas, prior to this month’s CB2, Manhattan’s SLA #1 Licensing Committee Meeting on October 3, 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 **770 Kitchen LLC dba Sweet Rehab, 135 Sullivan 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 in favor

11. 1 Tyger LLC dba Tyger-South SoHo Bar 1 Howard St. 10013 (OP–Restaurant) (Alteration)

Whereas, prior to this month’s CB2, Manhattan’s SLA #1 Licensing Committee Meeting on October 3, 2023, the Applicant’s Attorney requested **to lay over** this application to November/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 **1 Tyger LLC dba Tyger-South SoHo Bar 1 Howard St 10013** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

12. ER Hotpot 8 St Inc dba Six Hotpot, 51 E 8th St 10003 (RW) (previously unlicensed)

Whereas, prior to this month's CB2, Manhattan's SLA #1 Licensing Committee Meeting on October 3, 2023, the Applicant's Attorney requested **to lay over** this application to November/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 **ER Hotpot 8 St Inc dba Six Hotpot, 51 E 8th St 10003** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

13. Union Square Rice LLC dba Glaze Teriyaki, 110 University Place 10003 (RW)

Whereas, prior to this month's CB2, Manhattan's SLA #1 Licensing Committee Meeting on October 3, 2023, the Applicant's Attorney requested **to lay over** this application to November/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 **Union Square Rice LLC dba Glaze Teriyaki, 110 University Place 10003** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

14. icook Bowery Inc dba icook Bowery 90-92 Bowery 10013 (RW) (previously unlicensed)

Whereas, prior to this month's CB2, Manhattan's SLA #1 Licensing Committee Meeting on October 3, 2023, the Applicant's Attorney requested **to lay over** this application to

November/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 **icook Bowery Inc dba icook Bowery 90-92 Bowery 10013** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

15. Talum LLC 183 Grand St. 10013 (RW) (previously unlicensed)

Whereas, prior to this month's CB2, Manhattan's SLA #1 Licensing Committee Meeting on October 3, 2023, the Applicant's Attorney requested **to lay over** this application to November/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, **Talum LLC 183 Grand St. 10013** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

16. Lucia Pizzeria 2 LLC 301 West Broadway 10013 (RW) (previously unlicensed)

Whereas, prior to this month's CB2, Manhattan's SLA #1 Licensing Committee Meeting on October 3, 2023, the Applicant's Attorney requested **to lay over** this application to November/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, **Lucia Pizzeria 2 LLC 301 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 in favor

17. Grande Gusto Ristorante LLC, 188 Grand St. 10013 (OP–Restaurant) (previously unlicensed)

Whereas, prior to this month’s CB2, Manhattan’s SLA #1 Licensing Committee Meeting on October 3, 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 **Grande Gusto Ristorante LLC, 188 Grand 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 in favor

18. Festive & Co Crosby Street LLC dba Champers Social Club 430 Broome St aka 39 1/2 Crosby St 10013 (OP–Restaurant) (Class Change)

Whereas, prior to this month’s CB2, Manhattan’s SLA #1 Licensing Committee Meeting on October 3, 2023, the Applicant’s Attorney requested **to lay over** this application to November/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, **Festive & Co Crosby Street LLC dba Champers Social Club 430 Broome St aka 39 1/2 Crosby St 10013 until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

**19. Serafina To Go 110 Uni LLC dba Serafina 110 University Pl 10003 (OP–Restaurant)
(Class Change))**

Whereas, prior to this month’s CB2, Manhattan’s SLA #1 Licensing Committee Meeting on October 3, 2023, the Applicant’s Attorney requested **to lay over** this application to November/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, **Serafina To Go 110 Uni LLC dba Serafina 110 University Pl 10003 until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

20. Entity to be formed by Jason Pomeranc 65 Bleecker St 10012 (OP–Bar/Tavern)

Whereas, at this month’s CB2, Manhattan’s SLA #1 Licensing Committee Meeting on October 3, 2023, the Applicant’s Attorney requested to withdraw this application, after further discussion with the Applicant, the Applicant’s Attorney later requested **to layover** this application to November/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, **Entity to be formed by Jason Pomeranc 65 Bleecker St 10012- until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

**21. L. Pride on behalf of an entity to be determined 204 Elizabeth St 10012 (OP–Restaurant)
(previously unlicensed)**

Whereas, at this month’s CB2, Manhattan’s SLA #1 Licensing Committee Meeting on October 3, 2023, the Applicant’s Attorney requested **to lay over** this application to November/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, **L. Pride on behalf of an entity to be determined 204 Elizabeth St 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

22. L. Pride on behalf of an entity to be determined 202 Elizabeth St, Store A 10012 (OP–Restaurant) (previously unlicensed)

Whereas, at to this month's CB2, Manhattan's SLA #1 Licensing Committee Meeting on October 3, 2023, the Applicant's Attorney requested **to lay over** this application to November/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, **L. Pride on behalf of an entity to be determined 202 Elizabeth St, Store A 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

23. Entity to be Formed by Eddie Buckingham 189-191 Centre St 10013 (OP–Restaurant)

Whereas, prior to this month's CB2, Manhattan's SLA #1 Licensing Committee Meeting on October 3, 2023, the Applicant's Attorney requested **to lay over** this application to November/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, **Entity to be Formed by Eddie Buckingham 189-191 Centre St 10013** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA

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

Vote: Unanimous in favor

Respectfully submitted,

Donna Raftery, Chair, SLA Licensing Committee
Community Board 2, Manhattan

DRAFT

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



Antony Wong, *Treasurer*
Amy Brenna, *Secretary*
Brian Pape, *Assistant Secretary*

COMMUNITY BOARD NO. 2, MANHATTAN

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SLA LICENSING COMMITTEE 2

The SLA Licensing Committee #2 of Community Board 2, Manhattan, held an in-person, non-hybrid meeting at 6:30 PM on Thursday, October 5, 2023, at Church of St. Anthony of Padua, Lower Hall, 154 Sullivan St.

Committee Board Members Present: D. Raftery (Chair), C. Booth, K. Bordonaro, C. Flynn, B. Pape and Dr. S. Smith

Public Members Present: R. Ely

Other Board Members Present: Erika Olsen

RESOLUTIONS:

1. **Sushiro The Handrolls Bar Inc d/b/a t/b/a 168 7th Ave South, New York, New York 10014** (New TW – Sushi Restaurant) (*Previously Unlicensed*)
 - i. **Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Committee to present an application to the NYS Liquor Authority for a new Tavern Wine Liquor License to operate a sushi restaurant in a ground floor storefront located within a 5 story residential building (circa 1987) on west side of Seventh Avenue at the intersection of Perry Street in Greenwich Village, with this building falling within NYC LPC’s designated Greenwich Village Historic District; and,
 - ii. **Whereas**, the storefront proposed to be licensed was previously operated as a hair salon serving the local community, and was never previously licensed for the service of alcohol or for eating and drinking purposes; the interior storefront is 700 sq. ft., with no basement or other level, 3 tables with 15 patron seats, one sushi counter with 8 additional seats for a total indoor seated patron occupancy of 23 persons, there is one (1) patron entry and one (1) patron exit on Seventh Avenue, and one (1) patron bathroom, the store front infill being fixed without operable doors or windows; and
 - iii. **Whereas**, the hours of operation will be Sunday to Saturday from 12:00 PM to 11:00 PM every day/night, music will be quiet, ambient recorded background only; there will be no DJ’s, no promoted events, or scheduled performances, no cover fees, and no televisions; there will be no sidewalk café seating or other exterior service of alcohol included with this application; and

- iv. **Whereas**, there already are a significant number of licensed establishments in both Community Board 2 and in the immediate area, there being **65 active liquor licenses** within 750 feet of the proposed premises to be licensed and an additional 10 pending licenses within this same area, this application being for the service of Beer and Wine only and thus not subject to the 500 Foot Rule; and
- v. **Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan which will be incorporated into the “Method of Operation” of the Tavern Wine License, with those stipulations as follows:
1. The Applicant will operate a full-service sushi style restaurant with full menu items available until closing every nights.
 2. The hours of operation will be Sunday to Saturday from 12:00 PM to 11:00 PM every day/night.
 3. The premise will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
 4. Will not operate a backyard garden or any outdoor area for commercial purposes including any sidewalk or roadbed seating.
 5. Will not install or have French doors, operable windows or open facades.
 6. Will play quiet ambient recorded background and live music only. No music will be audible in any adjacent residences at any time.
 7. All doors/windows will be closed at all times.
 8. Will not have televisions.
 9. It will not have unlimited drink or unlimited food & drink specials. It will not have “boozy brunches” and will not sell pitchers of beer.
 10. There will be no “bottle service” or the sale of alcohol by the bottle, except for beer and wine products.
 11. It will not have any of the following: dancing, DJs, live music, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades, or doormen/security personnel.
 12. Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.
 13. It will appear before CB2, Manhattan for an alteration to its license prior to submitting plans for permanent sidewalk or roadbed seating.

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a new Tavern Wine Liquor License to **Sushiro The Handrolls Bar Inc d/b/a t/b/a 168 7th Ave South, New York, New York 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 in favor (7–0)

2. **Raagi Inc d/b/a Mint Masala 95 MacDougal Street, New York, New York 10012** (RW–Restaurant) (Transfer)

- i. Whereas,** the Applicant appeared before Community Board 2, Manhattan’s SLA Committee to present an application to the NYS Liquor Authority for a transfer of an existing Restaurant Wine Liquor License to continue to operate an Indian restaurant with neighborhood take out services in a ground floor storefront located within a 5 story residential building (circa 1900) on District on McDougal Street between West 3rd and Bleecker Streets in Greenwich Village, with this building falling within NYC LPC’s designated Greenwich Village Historic District; and,
- ii. Whereas,** this is a change in ownership of the business, with the method of operation not changing and remaining the same as an Indian food restaurant serving the local community, the ground floor storefront is 600 sq. ft., with a full service kitchen, there is a 600 sq. ft. basement used for storage purposes only (no patrons), there are 9 tables with 18 patron seats, one counter with no seats for a total indoor seated patron occupancy of 18 persons, there is one (1) patron entry and one (1) patron exit on MacDougal Street, and one (1) patron bathroom, the store front infill being fixed without operable doors or windows; and
- iii. Whereas,** the hours of operation will remain Sunday to Saturday from 12:00 PM to 12:00 AM Sunday to Thursday and 12:00 PM to 2:00 AM on Fridays and Saturdays, music will be quiet, ambient recorded background only; there will be no DJ’s, no promoted events, or scheduled performances, no cover fees, and no televisions; there will be no sidewalk café seating or other exterior service of alcohol included with this application; and
- iv. Whereas,** the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan which will be incorporated into the “Method of Operation” of the Restaurant Wine License, with those stipulations as follows:
1. The Applicant will operate a full-service Indian food restaurant with full menu items available until closing every night.
 2. The hours of operation will be Sunday to Thursday from 12:00 PM to 12:00 AM and on Fridays and Saturdays from 12:00 PM to 2:00 AM.
 3. The premise will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
 4. Will not operate a backyard garden or any outdoor area for commercial purposes including any sidewalk or roadbed seating.
 5. Will not install or have French doors, operable windows or open facades.
 6. Will play quiet ambient recorded background and live music only. No music will be audible in any adjacent residences at any time.
 7. All doors/windows will be closed at all times.
 8. Will not have televisions.
 9. It will not have unlimited drink or unlimited food & drink specials. It will not have “boozy brunches” and will not sell pitchers of beer.
 10. There will be no “bottle service” or the sale of alcohol by the bottle, except for beer and wine products.
 11. It will not have any of the following: dancing, DJs, live music, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades, or doormen/security personnel.

12. Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.
13. It will appear before CB2, Manhattan for an alteration to its license prior to submitting plans for permanent sidewalk or roadbed seating.

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a transfer of a Restaurant Wine Liquor License to **Raagi Inc d/b/a Mint Masala 95 MacDougal Street, New York, New York 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 in favor (7–0)

3. Hungry Llama LLC dba TBD, 679 Washington St 10014 (New RW – Café/Restaurant) (Previously Unlicensed)

- i. Whereas,** the Applicants appeared before Community Board 2, Manhattan’s SLA Committee #2 to present an application to the NYS Liquor Authority for a new Restaurant Wine License to operate a café and marketplace serving breakfast and lunch/dinner in a ground floor storefront located within a twenty-one story residential building (circa 1997) on Washington Street between Charles and West 10th Streets in Greenwich Village, with this building falling within NYC LPC’s designated Greenwich Village Historic District; and
- ii. Whereas,** the storefront proposed to be licensed was previously operated since 1997 as a dry cleaners serving the local community, and was never previously licensed for the service of alcohol or for eating and drinking purposes; the interior storefront is 1674 sq. ft., with no basement or other level, 11 tables with 38 patron seats, one food counter with 8 additional seats for a total indoor seated patron occupancy of 44 persons, there is one (1) patron entry and one (1) patron exit on Washington Street, and two (2) patron bathrooms, the store front infill having bi-folding doors on one side of the storefront (facing front left) that open out to the sidewalk, doors which will be closed by 9 PM every night; and
- iii. Whereas,** the hours of operation will be Sundays to Thursdays from 7:00 AM to 10:00 PM and Fridays/Saturdays from 7:00 AM to 12:00 AM, music will be quiet, ambient recorded background only; there will be no DJ’s, no live music, no promoted events, or scheduled performances, no cover fees, and one (1) television; there will be no sidewalk café seating or other exterior service of alcohol included with this application; and
- iv. Whereas,** there already are a significant number of licensed establishments in both Community Board 2 and in the immediate area, there being **44 active liquor licenses** within 750 feet of the proposed premises to be licensed and an additional 4 pending licenses within this same area, this application being for the service of Beer and Wine only and thus not subject to the 500 Foot Rule; and

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

1. The Applicant will operate a full-service restaurant specifically café and marketplace serving breakfast and lunch/dinner with the kitchen open and full menu items available until closing every night in addition to a market area with seasonal vendors.
2. The hours of operation will be Sundays to Thursdays from 7:00 AM to 10:00 PM and Fridays/Saturdays from 7:00 AM to 12:00 AM.
3. The premise will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
4. Will not operate a backyard garden or any outdoor area for commercial purposes including any sidewalk or roadbed seating.
5. Will be open to the public at all times inclusive of conference rooms.
6. Will play quiet ambient recorded background and live music only. No music will be audible in any adjacent residences at any time.
7. All doors/windows will be closed by 9 PM every night.
9. Will not make changes to the existing façade except to change signage or awning
10. Will have no more than 2 televisions.
11. It will not have unlimited drink or unlimited food and drink specials. It will not have “boozy brunches” and will not sell pitchers of beer.
12. There will be no “bottle service” or the sale of alcohol by the bottle, except for beer and wine products.
13. It will not have any of the following: dancing, DJs, live music, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades, or doormen/security personnel.
14. Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.
15. Will appear before CB2, Manhattan for an alteration to its license prior to submitting plans for any sidewalk, roadbed or other outdoor seating.

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a new Restaurant Wine Liquor License to **Hungry Llama LLC d/b/a t/b/a, 679 Washington 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 in favor (7-0)

4. Arthur & Sons Pizza LLC d/b/a T/B/D 626 Hudson Street, New York, New York 10014
(Transfer of Existing RW – Italian Pizzeria Restaurant)

i. **Whereas**, the Applicant and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Committee to present an application to the NYS Liquor Authority for a transfer of an existing Restaurant Wine Liquor License to operate an Italian Pizzeria restaurant

in a ground floor storefront located within a 4 story residential townhouse building (circa 1846) on Hudson Street between Jane and Horatio Streets in Greenwich Village, with this building falling within NYC LPC's designated Greenwich Village Historic District; and,

- ii. **Whereas**, this is a change in ownership of the business, with the method of operation as a pizzeria restaurant's interior operations being similar to what was there previously, the ground floor storefront is 800 sq. ft., with 800 sq. ft. basement used for storage purposes only (no patrons), there are 11 tables with 22 patron seats, one counter/bar with 6 seats for a total indoor seated patron occupancy of 28 persons, there is one (1) patron entry and one (1) patron exit on Hudson Street, and two (2) patron bathrooms, the store front infill being fixed without operable doors or windows; and
- iii. **Whereas**, the hours of operation will remain Sunday to Thursday from 11:00 AM to 11:00 PM and Fridays and Saturdays from 11:00 AM to 12:00 AM, music will be quiet, ambient recorded background only; there will be no DJ's, no promoted events, or scheduled performances, no cover fees, and no televisions; there will be no sidewalk café seating or other exterior service of alcohol included with this application; and
- iv. **Whereas**, the prior owner/operator at this location provided service of alcohol to a rear yard to its customers despite there being no permits from NYC's Dept. of Buildings and no established proper means of egress from the rear yard in case of emergency, the letter of no objection for the subject storefront premise not extending into the rear yard area, the exterior service to the rear yard resulting in numerous complaints over the years from noise and parties taking place in the rear yard, there being residential apartment windows, bedrooms and living quarters directly facing the rear yard; and,
- v. **Whereas**, in light of the lack of permits to use the rear yard, and opposition presented by the local Jane Street Block Assn., the Applicant withdrew any use of the rear yard, indicating that he was aware of the issues and would seek to obtain the proper permits from the Dept. of Buildings before seeking an alteration to his license in the future if permits for the rear yard could be properly obtained; and
- vi. **Whereas**, following this month's CB2, Manhattan's SLA #2 Licensing Committee Meeting on October 5, 2023, the Applicant requested **to withdraw** this application from further consideration, affirming that they will not submit this application to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future; and

THEREFORE, BE IT RESOLVED that CB2, Manhattan strongly recommends that the 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 **Arthur & Sons Pizza LLC d/b/a T/B/D 626 Hudson Street, New York, New York 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 in favor (7–0)

5. Mio Zio NYC LLC dba Anfora Nuovo 34 8th Ave 10014 (OP–Restaurant) (Transfer)

- i. Whereas,** the Applicants and the Applicants’ Attorney appeared before Community Board 2, Manhattan’s SLA Committee #2 to present an application to the NYS Liquor Authority for an On-Premises Liquor License to operate an Italian American-inspired restaurant and cocktail bar in a five-story, C1-6 zoned, mixed-use building (c. 1900) on 8th Avenue between Jane and West 12th Streets (Block #625/Lot #56), this building falling within NYC LPC’s Greenwich Village Historic District; and
- ii. Whereas,** the ground floor premises is roughly 900 sq. ft., with an additional 600 sq. ft. in the cellar/basement, the cellar/basement being for storage purposes; there are five (5) interior tables with 30 seats and one (1) bar with 17 seats for a total seated patron occupancy of approximately 47 seats with a maximum legal occupancy of 74 persons, there is one (1) entry which will serve as patron ingress and egress, one additional exit and one (1) patron bathroom; the store front infill being fixed with no operable doors or windows that open out to the sidewalk; and
- iii. Whereas,** the hours of operation are from 11 AM to 12 AM Sundays and Mondays, 11 AM to 1 AM Tuesdays and Wednesdays and 11 AM to 2 AM Thursdays through Saturdays; music will be quiet background only consisting of music from ipod/cd’s/streaming services (i.e. no active manipulation of music—only passive prearranged music), all doors and windows will be closed at 10PM except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and
- iv. Whereas,** the premises to be licensed has operated under 34 8th Avenue LLC dba Anfora (SN# 1230359, exp. 4/30/24) as an Italian restaurant and wine bar since approximately 2010, this being a sale of the assets to a new entity, the Applicants stating the method of operation would remain the same; and
- v. Whereas,** the Applicant also seeks to serve alcohol to tables in the roadway in front of and extending beyond the premises proposed to be licensed, with eight (8) tables and 16 seats until 10:00 PM every night utilizing the current operator’s pandemic-related roadbed dining shed; and
- vi. Whereas,** the same two Applicants which are the only two names listed on CB2, Manhattan’s questionnaire under “list all principals” in the instant application, also appeared before CB2, Manhattan’s SLA Committee in December/2021 for 1W3 LLC as the only two principals listed for another On-Premises license to operate “a community driven restaurant focusing on diversity, inclusion through the arts, food, culture, drink and lifestyle... the décor will speak to the Olympics and a portion of the proceeds will be given to charity” and, while Olympic sports would be highlighted, the Applicants’ were explicitly clear that the application was not for a sports bar; at the time CB2, Manhattan’s full board unanimously recommended approval

of that application based on the materials presented, CB2 later did due diligence on the application when it opened under the surprising name of Rocco's Sports and Entertainment (1W3 LLC dba Rocco's Sports and Entertainment, SN#1346410) to find that the principals who indicated to us that they were the only principals have just 2% ownership, the other two principals that hold 98% ownership have a disciplinary record; by not disclosing the 98% primary owners of the business of 1 W3 LLC, these same applicants were able circumvent discussion and disclosure of that disciplinary record; and

- vii. **Whereas**, additionally, the Applicants signed stipulations for 1 W3 LLC in CB2 that said they would not be a sports bar but would show sports on TV yet they promote themselves as an upscale sports bar, that there would be no DJs, yet as recently as a month ago they advertised DJs on their social media post, the Applicants stating that they are working to get things under control at that location which just opened; there have also been ongoing complaints from nearby residents of loud music and drunken crowds until all hours of the morning at another of their recently licensed establishments in CB2 (Den NoHo LLC dba Bandits, SN# 1331125) despite signing stipulations there that music would be background only, in addition they are serving alcohol in their two roadbed structures at that location despite executed stipulations during COVID prohibiting outside service of alcohol which is clearly printed on their liquor license ("Use of Outdoor Space is Prohibited); and yet another establishment with two of the non-disclosed principals on this application for Mio Zio NYC LLC who are principals of 296 Sandwich LLC, SN# 1200891 which has also previously had an ongoing negative history with residents in CB2 and which has existing disciplinary with the SLA; and,
- viii. **Whereas**, there was opposition to this instant application by the local block association and other local residents to the late hours and additional concerns were raised about the method of operation based on the history and reputation of the Applicants' other establishments, the current operation being quiet and having little impact on nearby residents' quality of life, the Applicants' other establishments all operating as boisterous bars with a food component; and
- ix. **Whereas**, this application being subject to the 500 Foot Rule requiring the Applicant to demonstrate that the public interest would be served by the granting of the On-Premises Liquor License at this location, the storefront premises having previously been licensed as a quiet restaurant and wine bar, the ability to trust that the Applicant will operate in a similar method, the trust worthiness of the Applicants' being called into question based on their ongoing and extensive history in the district; and

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for an On-Premises Liquor License for **Mio Zio NYC LLC dba Anfora Nuovo 34 8th Ave 10014**; and

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

Vote: Unanimous in favor (7-0)

6. The Strangers Club NY LLC d/b/a The Strangers Club 147 W. 4th Street, New York, New York 10012 (New OP – Restaurant)

- i. Whereas**, the Applicant and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Committee to present an application to the NYS Liquor Authority for a new On Premise Liquor License to operate a modern American-style restaurant in a below-grade storefront located within a 5 story residential townhouse building (circa 1850) on West 4th Street between MacDougal Street and Sixth Avenue in Greenwich Village, with this building falling within NYC LPC’s designated Greenwich Village Historic District; and,
- ii. Whereas**, the premises proposed to be licensed was previously operated in the past as Volare, an Italian restaurant which closed in March/2021, with the proposed restaurant’s interior operations being similar to what existed previously, the below grade storefront being roughly 1630 sq. ft., with 220 sq. ft. subbasement/cellar used for storage purposes only (no patrons), there are 13 tables with 50 patron seats, one bar with 12 seats for a total indoor seated patron occupancy of 62 persons, there is one (1) subgrade patron entry (with stairs leading down from the public sidewalk) and one (1) patron exit (at the same location) on West 4th Street, and two (2) patron bathrooms, the store front infill being fixed without operable doors or windows; and
- iii. Whereas**, the hours of operation will be Sunday to Thursday from 5:00 PM to 1:00 AM and Fridays and Saturdays from 5:00 PM to 2:00 AM, music will be quiet, ambient recorded background only; there will be no DJ’s, no promoted events, or scheduled performances, no cover fees, and no televisions; there will be no sidewalk café seating or other exterior service of alcohol included with this application; and
- iv. Whereas**, the prior owner/operator at this location provided service of alcohol to a rear yard to its customers despite there being no permits from NYC’s Dept. of Buildings and no established proper means of egress from the rear yard in case of emergency, there being no letter of no objection for the subject storefront premise that allows or extends into the rear yard area, the exterior service to the rear yard resulting in complaints over the years from noise and parties taking place in the rear yard, there being residential apartment windows, bedrooms and living quarters directly facing the rear yard; and,
- v. Whereas**, in light of the lack of permits to use the rear yard, and opposition presented by local residents exposed to the commercial use of the rear yard, the Applicant withdrew any use of the rear yard, indicating that he was aware of the issues and would seek to obtain the proper permits from the Dept. of Buildings before seeking an alteration to his license in the future if permits for the rear yard could be properly obtained; and,
- vi. Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan which will be incorporated into the “Method of Operation” of the On Premise Liquor License, with those stipulations as follows:
 1. The Applicant will operate a full-service modern American-style restaurant with full menu items available until closing every night.

2. The hours of operation will be Sunday to Thursday from 5:00 PM to 1:00 AM and Fridays and Saturdays from 5:00 PM to 2:00 AM.
 3. The premise will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
 4. Will not operate a backyard garden or any outdoor area for commercial purposes including any sidewalk or roadbed seating.
 5. Will not install or have French doors, operable windows or open facades.
 6. Will play quiet ambient recorded background and live music only. No music will be audible in any adjacent residences at any time.
 7. All doors/windows will be closed at all times.
 8. Will not have televisions.
 9. It will not have unlimited drink or unlimited food & drink specials. It will not have “boozy brunches” and will not sell pitchers of beer.
 10. There will be no “bottle service” or the sale of alcohol by the bottle, except for beer and wine products.
 11. It will not have any of the following: dancing, DJs, live music, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades, or doormen/security personnel.
 12. Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.
 13. It will appear before CB2, Manhattan for an alteration to its license prior to submitting plans for permanent sidewalk or roadbed seating.
- vii. **Whereas**, this application being subject to the 500 Foot Rule requiring the Applicant to demonstrate that the public interest would be served by adding another liquor license at this location, the proposed use of the rear yard being withdrawn, there being no exterior service of alcohol at this location, the method of operation being similar to what has been licensed and operated at the same location in the past, the previous licensee closing 27 months ago in July 2021 creating a significant lapse in licensing thereby making the premises ineligible for exemption as a non-conforming pre-existing use at this location as recently affirmed by the SLA in a recent advisory, the Applicant’s agreed upon stipulations satisfying those living in the immediate area who appeared in opposition to this application, despite concerns raised as to the late night hours of operation for a full service restaurant, the public interest standard being satisfied albeit subject to the Applicant and Licensee abiding by those agreed upon stipulations in the future; and

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends denial of the application for new On Premise Liquor License to **The Strangers Club NY LLC d/b/a The Strangers Club 147 W. 4th Street, New York, New York 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 SLA On Premise License.

Vote: Unanimous in favor (7-0)

7. **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 in June/2023 and July/2023 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,** in July 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; therefore, not having reached an agreement with the Applicant, CB2, Manhattan recommended denial of the application at its July/2023 full board meeting; and
- ix. Whereas,** following CB2, Manhattan’s full board meeting in July the Applicant executed and had notarized a Stipulations Agreement with Community Board 2, Manhattan with included acoustic, unamplified live music (no horns or percussion) which will be incorporated into the “Method of Operation” of the Tavern Wine License, with those stipulations as follows:
1. Premise will be advertised and operated only as a flower shop and coffee bar / wine bar with the full food menu served throughout all 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 not have televisions.
8. Will close for private parties not more than 6x per year.
9. Service of alcohol is by wait staff to seated patrons only.
10. Will close all doors at all times, allowing only for patron ingress and egress.
11. Will not install or have French doors, operable windows or open facades.
12. Will not make changes to the existing façade except to change signage or awning.
13. Will comply with NYC Department of Buildings Regulations and will keep current at all times required Permits and Certificates.
14. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
15. 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.
16. Will not change principals prior to submission of original application to the NYSLA.
17. Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.
18. Will appear before CB2, Manhattan prior to submitting plans for permanent sidewalk or roadbed dining.

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a new Tavern Wine License to **78 5th Avenue Kafeneio Inc. dba Ariston Flowers & Cafe, 78 5th Ave 10011** **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 in favor (7–0)

8. **142 Carriage House LLC dba Carriage House NYC 142 W 10th St 10014** (RW–Restaurant)
 - i. **Whereas**, the Applicants and the Applicant’s Attorney originally appeared before Community Board 2, Manhattan’s SLA Licensing Committee #2 in November/2021 to present an application to the NYS Liquor Authority for a new On-Premises Restaurant Liquor License to operate operate a fine-dining restaurant specializing in American cuisine in a R6 zoned, four-story mixed-use building constructed in 1887 on W. 10th St. between Waverly St. and Greenwich Ave. (Block #610/Lot#7502), and located in the Greenwich Village Historic District; and
 - ii. **Whereas**, at that time the Applicant executed and had notarized a Stipulations Agreement with Community Board 2, Manhattan which would be incorporated into the “Method of Operation” of the On-Premises Restaurant Liquor License; [CB2, Manhattan unanimously recommended approval of the license](#), in addition to signing a stipulation agreement with West 10th Street and Greenwich Avenue Neighbors Block Assn; and

- iii. Whereas**, in July/2022 the Applicant’s Attorney re-submitted a new 30-day notice for a Restaurant Wine license with all other aspects of the application being identical to what was presented to CB2 originally, the reason for the downgrade in license class was due to the backlog at the NYSLA, the class change permitting the Applicant to obtain a temporary license in a more timely manner, the Applicant having also informed the block association of their intentions and gaining their support; CB2 Manhattan taking no further action on the matter as all parties believed that the NYSLA would honor the originally signed stipulations agreement for the On-Premises Restaurant Liquor License which had been executed in November/2021; and
- iv. Whereas**, the Applicant’s Restaurant Wine license has been conditionally approved and the Applicant has been operating at the location with a temporary license (SN#1371524), their final license being held up waiting for a signed agreement with CB2, Manhattan for the Restaurant Wine license, this having been brought to our attention in the past week; and
- v. Whereas**, there being no change in principals or method of operation from the original application which was heard in November/2021, the block association remaining in support of the application, the Applicant has executed and had notarized a Stipulations Agreement with Community Board 2, Manhattan which will be incorporated into the “Method of Operation” of the Tavern Wine License, with those stipulations as follows:
1. The premises will be advertised and will operate as a full-service restaurant specializing in New American cuisine and employing fine dining techniques from France and Italy.
 2. The hours of operation will be from 4:00 PM to 11:00 PM Sundays, Mondays, Wednesdays, and Thursdays, and 4:00 PM to 12:00 AM on Fridays and Saturdays. The business will be closed on Tuesdays. The premises will open no later than the stated opening time and no patrons will remain after the stated closing time.
 3. The Applicant will operate a full-service restaurant, specifically a fine-dining restaurant specializing in New American cuisine and employing fine dining techniques from France and Italy, with the kitchen open and the full menu available until closing every night.
 4. The premise will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
 5. It will not operate a backyard garden or any other outdoor area for commercial purposes, including a sidewalk café and there will be no roadbed seating.
 6. It will play quiet ambient recorded background music only, inclusive of any private parties or events. No music will be audible in any adjacent residences at any time.
 7. There will be no televisions.
 8. The Applicant will not install or have French doors, operable windows or open façades.
 9. It will keep all doors and windows closed at all times, allowing only for patron ingress and egress.
 10. There will be no patron occupancy/service to any portion of the basement of the licensed premises.
 11. It will not make changes to the existing façade, except to change the signage or awning.
 12. It will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.

13. It will not have unlimited drink or unlimited food & drink specials. It will not have “boozy brunches” and will not sell pitchers of beer.
14. There will be no “bottle service” or the sale of alcohol by the bottle, except for beer and wine products.
15. The Applicant will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
16. It will not change any of the business’ principals prior to submission of the original application to the SLA.
17. It will not have any of the following: dancing, DJs, live music, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades, or doormen/security personnel.

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a new Restaurant Wine License in the name of 142 Carriage House LLC d/b/a Carriage House, 142 West 10th Street 10014, **unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the NYSLA Liquor License.

Vote: This was not heard at SLA Committee meetings and is being brought up as new business.

9. New Business

CB Resolution on NYC Council Bill (Int 0160-2022)

- i. **Whereas**, Al Fierstein, one of the most respected sound consultants in New York City who is well-known to CB2 as he is frequently hired by restaurants, bars and clubs to design their sound proofing and sound systems in addition to also being hired by residents to address ongoing noise issues and noncompliance with NYC noise codes, presented to CB2 (*see attached*) to voice his deep concerns over [NYC Council Bill Int 0160-2022](#) which would revise the NYC Noise Code and which was heard before NYC Council Committee on Environmental Protection, Resiliency and Waterfronts on October 16, 2023 and he urged CB2, Manhattan and the public to review and to oppose this legislation; and
- ii. **Whereas**, the proposed changes would amend [Subdivision \(b\) of Section 24-218 of the Administrative Code of the City of New York](#) to limit the measurements for unreasonable noise *from music originating from an interior space in connection with the operation of any commercial establishment or enterprise* to the noise levels set forth in subdivision which are “A-weighted” decibels (dB(a)) only and thus do not take into account the C-weighted decibels which measure bass, eliminating the ability to measure the full spectrum of sound from music emanating from restaurants, bars and clubs which in the past was able to be taken into account because the verbiage was “*shall include but not be limited to sound...*; and
- iii. **Whereas**, additionally, the proposed changes would amend [Section 24-244 of the Administrative Code of the City of New York](#):

§ 24-244 Sound reproduction devices. (a) Except as otherwise provided in section 10-108 of the code, no person shall operate or use or cause to be operated or used any sound reproduction device in such a manner as to create unreasonable noise.

(b) No person shall operate or use or cause to be operated or used any sound reproduction device, for commercial or business advertising purposes or for the purpose of attracting attention to any performance, show, sale or display of merchandise, in connection with any commercial or business enterprise (including those engaged in the sale of radios, television sets, compact discs or tapes), (i) outside or in front of any building, place or premises or in or through any aperture of such building, place or premises, abutting on or adjacent to a public street, park or place; (ii) in or upon any vehicle operated, standing or being in or on any public street, park or place; (iii) from any stand, platform or other structure; (iv) from any airplane or other device used for flying, flying over the city; (v) from any boat on the waters within the jurisdiction of the city; or (vi) anywhere on the public streets, public sidewalks, parks or places where sound from such sound reproduction device may be heard upon any public street, sidewalk, park or place. Nothing in this section is intended to prohibit incidental sounds emanating from a sporting or an entertainment or a public event for which a permit under section 10-108 of the code has been issued.

by adding a new subdivision (c) stating that “this section shall not apply to music originating from an interior space in connection with the operation of any commercial establishment or enterprise;” the amended noise code would no longer apply to music being played inside improperly sound proofed establishments where significant noise escapes which is not measurable on the dB(a) scale; and

- iv. **Whereas**, commercial establishments, particularly bars, restaurants and clubs frequently use street audible loud music as a marketing tool to attract passerby and create branding images; and, use of such tactics inevitably have a negative impact on nearby residents and businesses; and are frequently further aggravated by combination with opening façades and operable windows; and
- v. **Whereas**, one of the most frequent quality of life complaints residents make to 311 and at CB2 regarding bars, restaurants and clubs is about loud music, including bass sounds negatively impacting their quality of life and the difficulty in getting enforcement of noise violations; the proposed changes would gut the current protections against noise; and,
- vi. **Whereas**, bass sounds and loud noises from commercial establishments are also problematic for neighboring business on the same, adjoining, or nearby buildings; and

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan is deeply concerned about these proposed changes to the NYC Noise Code and would urge New York City Council to oppose this bill.

BE IT FURTHER RESOLVED that CB2 urges the Council to review the detailed written testimony submitted to CB2 on October 5, 2023 by Alan Fierstein, President of Acoustilog, which is appended.

Vote: Unanimous in favor (7-0)

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

10. Slutty Vegan Inc, 280 Bleecker St 10014 (TW-Bar/Tavern)

Whereas, prior to this month's CB2, Manhattan's SLA #2 Licensing Committee Meeting on October 5, 2023, the Applicant requested **to lay over** this application to November/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 **Slutty Vegan Inc, 280 Bleecker St 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

11. 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 October 5, 2023, the Applicant requested **to lay over** this application to November/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 in favor

12. Aramark Services Inc 225 Varick St, 12th Fl 10014 (RW–Catering Facility)

Whereas, prior to this month’s CB2, Manhattan’s SLA #2 Licensing Committee Meeting on October 5, 2023, the Applicant requested **to lay over** this application to November/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 **Aramark Services Inc 225 Varick St, 12th Fl 10014** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

13. Sofia’s Bagels LLC dba Hudson Bagels, 535 Hudson St 10014 (RW)

Whereas, prior to this month’s CB2, Manhattan’s SLA #2 Licensing Committee Meeting on October 5, 2023, the Applicant requested **to withdraw** this application from further consideration, affirming that they will not submit this application to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future; and

THEREFORE, BE IT RESOLVED that CB2, Manhattan strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, change in method of operation, alteration, transfer or other changes to any existing license for **Sofia’s Bagels LLC dba Hudson Bagels, 535 Hudson 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 in favor

14. AV 7th Ave LLC dba All’Antico Vinaio 89 7th Ave S 10014 (TW-Bar/Tavern) (previously

unlicensed)

Whereas, prior to this month's CB2, Manhattan's SLA #2 Licensing Committee Meeting on October 5, 2023, the Applicant requested **to lay over** this application to November/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 **AV 7th Ave LLC dba All'Antico Vinaio 89 7th Ave S 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

15. Isidori LLC 626 Hudson St 10014 (RW-Restaurant)

Whereas, prior to this month's CB2, Manhattan's SLA #2 Licensing Committee Meeting on October 5, 2023, the Applicant requested **to withdraw** this application from further consideration, affirming that they will not submit this application to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future; and

THEREFORE, BE IT RESOLVED that CB2, Manhattan strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, change in method of operation, alteration, transfer or other changes to any existing license for **Isidori LLC 626 Hudson 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 in favor

16. 142 Carriage House LLC dba Carriage House NYC 142 W 10th St 10014 (OP-Restaurant) (Class Change)

Whereas, prior to this month's CB2, Manhattan's SLA #2 Licensing Committee Meeting on October 5, 2023, the Applicant requested **to withdraw** this application from further consideration, affirming that they will not submit this application to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future; and

THEREFORE, BE IT RESOLVED that CB2, Manhattan strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, change in method of operation, alteration, transfer or other changes to any existing license for **142 Carriage House LLC dba Carriage House NYC 142 W 10th 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 in favor

17. Super Rich NY Corp 260 Sixth Ave 10014 (OP–Restaurant)

Whereas, prior to this month’s CB2, Manhattan’s SLA #2 Licensing Committee Meeting on October 5, 2023, the Applicant requested **to withdraw** this application from further consideration, affirming that they will not submit this application to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future; and

THEREFORE, BE IT RESOLVED that CB2, Manhattan strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, change in method of operation, alteration, transfer or other changes to any existing license for **Super Rich NY Corp 260 Sixth Ave 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 in favor

18. Sedona Club Inc, 39 Clarkson St, 6th Fl and rooftop 10014 (OP–Private Members Club)

Whereas, at this month’s CB2, Manhattan’s SLA #2 Licensing Committee Meeting on October 5, 2023, the Applicant requested **to lay over** this application to November/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 **Sedona Club Inc, 39 Clarkson St, 6th Fl and rooftop 10014** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

Respectfully submitted,

Donna Raftery, Chair, SLA Licensing Committee
Community Board 2, Manhattan

DRAFT

19 Mercer Street, New York, NY 10013 (212) 925-1365 acoustilog1@verizon.net
October 2, 2023

The proposed modification to section §24-218 (b) will have terrible ramifications for any business that receives unreasonable music noise from a neighboring business, and also for residents who are disturbed by deep bass frequencies.

Omitting the previously-included phrase "shall include but shall not be limited to" means that "Unreasonable Noise" will now be determined by a single, inadequate criterion: dBA.

Most people do not know what "dBA" means. dBA is a method of measuring sound that drastically ignores the low frequencies, commonly known as "bass". * But as everyone knows, bass is *exactly* the problem; the sound that penetrates walls, windows, doors and ceilings.

Simplistic dBA measurements are easy for inspectors to make but they do *not* accurately represent the most common kind of disturbing noise- bass. If your yoga studio, hair salon, law office, or other business is above, behind or next to a business that plays loud music – a gym, club, restaurant or even a clothing store - most of what you hear in your indoor "receiving property" is bass.

This change to the Code will only serve to protect businesses that play loud music without soundproofing. It will not only hurt neighboring businesses, but *protections for residents will be weakened as well.*

While section §24-231 sets limits on *certain* bass music frequencies heard in residences, much of modern club music includes very low "subwoofer" frequencies that the Code presently overlooks. The current §24-218 supplements §24-231, allowing for violations based on levels of sub-bass that any resident would find unreasonable, but not if this change is made. Even truly disturbing levels of sub-bass barely register in a dBA measurement.

If you live next to a bar, nightclub or gym, you will not be able to complain about sub-bass coming through the wall or floor, and if you work next to these noisemakers you won't be able to complain AT ALL. Lawsuits and even injuries are likely to occur.

The proposed change to §24-218 (b) will even affect people outdoors. Loud music coming from an improperly soundproofed establishment would have absolutely no limits on how it could disturb people outdoors or in a park. Deliberately sending sound outside has been banned for decades and now it will be allowed?

Similarly, the proposed modification to section §24-244 would be a terrible mistake. What is being done is to eliminate the prohibition of outdoor music being heard by ear and instead putting the decibel limits of §24-218 on it. And these limits would then only be incorrectly measured using dBA, which as described above ignores bass.

§24-244 has always had the problem that while it was designed and worded to prevent deliberate sending of noise outdoors, but has been used improperly to penalize businesses where there is some accidental, not deliberate, sound leakage. No change is actually needed in that section, just proper enforcement. Businesses must be prevented from deliberately broadcasting noise outdoors, and if they're going to do that on purpose, then no decibel measurements should be required. Leave §24-244 as it has been for years but enforce it to the letter of the law.

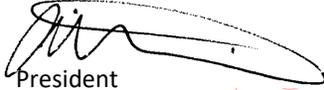
This modification to the Code will gut protections against noise that anyone would find unreasonable. Who should the law favor, businesses who play loud music or people and businesses who are trying to quietly enjoy their premises? The answer is that the law should prohibit unreasonable levels of music.

The whole purpose of the Noise Code, as stated in the *Declaration of policy, §24-202*, is:

It is hereby declared to be the public policy of the city to reduce the ambient sound level in the city, so as to preserve, protect and promote the public health, safety and welfare, and the peace and quiet of the inhabitants of the city, prevent injury to human, plant and animal life and property, foster the convenience and comfort of its inhabitants, and facilitate the enjoyment of the natural attractions of the city.

Is that no longer the public policy of the city?

Alan Fierstein


President

**Do not be fooled by the myth that dBA "mimics what the ear hears". It only does that at extremely low levels of sound, like when you're getting your hearing checked and you're in a booth and they ask you to raise your hand as soon as you hear the faintest beep. That is when middle and high frequencies are more easily heard than the bass, at the faintest levels. But as everyone knows, when there is a loud stereo next door, you hear the bass the most, not the middle and high frequencies.*

Int. No. 160

By Council Members Holden, Yeger, Ariola and Vernikov

A Local Law to amend the administrative Code of the city of New York, in relation to the noise standard for commercial establishments

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 24-218 of the administrative Code of the city of New York, as amended by local law 72 for the year 2016, is amended to read as follows:

(b) [Unreasonable] For music originating from an interior space in connection with the operation of any commercial establishment or enterprise, unreasonable noise shall be defined as a sound that exceeds the prohibited noise levels set forth in this subdivision; and for all other sources of noise, unreasonable noise shall include but shall not be limited to sound, attributable to any device, that exceeds the [following] prohibited noise levels set forth in this subdivision:



(1) Sound, other than impulsive sound, attributable to the source, measured at a level of 7 dB(A) or more above the ambient sound level at or after 10:00 p.m. and before 7:00 a.m., as measured at any point within a receiving property or as measured at a distance of 15 feet or more from the source on a public right-of-way.

(2) Sound, other than impulsive sound, attributable to the source, measured at a level of 10 dB(A) or more above the ambient sound level at or after 7:00 a.m. and before 10:00 p.m., as measured at any point within a receiving property or as measured at a distance of 15 feet or more from the source on a public right-of-way.

(3) Impulsive sound, attributable to the source, measured at a level of 15 dB(A) or more above the ambient sound level, as measured at any point within a receiving property or as measured at a distance of 15 feet or more from the source on a public right-of-way. Impulsive sound levels shall be measured in the A-weighting network with the sound level meter set to fast response. The ambient sound level shall be taken in the A-weighting network with the sound level meter set to slow response.

§ 2. Section 24-244 of the administrative Code of the city of New York is amended by adding a new subdivision c to read as follows:

(c) This section shall not apply to music originating from an interior space in connection with the operation of any commercial establishment or enterprise.

§ 3. This local law takes effect immediately.

Session 12
JSA
LS # 13
3/28/2022

Session 11
JB/MAJ
LS #116



Resolution in Support of a Right to Counsel for all New York State Residents in Eviction and Foreclosure Proceedings

WHEREAS, a substantial number of people facing eviction and foreclosure proceedings across New York State live in poverty, are not able to afford or obtain counsel to represent them, and must appear in court unrepresented, while the vast majority of NYS landlords have counsel; and

WHEREAS, eviction and foreclosure proceedings are technical legal proceedings in which lawyers generally appear for the petitioners and the rules of evidence and procedural and substantive law all apply; they are consequently very difficult for unrepresented parties to navigate; and

WHEREAS, representation by counsel in eviction and foreclosure proceedings keeps people in their homes and communities and out of the homeless shelters and provides fundamental fairness and due process for those who face losing their homes; and

WHEREAS, in New York City and in the 20-plus cities, states and counties with a Right Counsel in eviction proceedings, statistics have borne out these benefits of Right to Counsel, and have also demonstrated that Right to Counsel reduces default evictions, and overall eviction filings; and

WHEREAS, the consequences of eviction and foreclosure are dire for low-income people: there is a deficit of affordable housing, and low-income families and individuals who lose their homes in legal proceedings often end up in homeless shelters or in housing that is less affordable than the housing they must leave; and they suffer from loss of employment, missed schooling and damage to physical and mental health; and

WHEREAS, these dire consequences for those who lose their homes in turn result in huge costs to the City and State of New York in providing shelter, social services and other services, such that Right to Counsel, in reducing these costs, would pay for itself in the long term, while also preventing multiple, compounding harms to New Yorkers; and

WHEREAS, Statewide Right to Counsel (A1493/S2721), which would create a right to counsel in eviction and foreclosure proceedings for all New Yorkers, is currently pending in the State legislature and, in the 2022 session, passed by 90 votes in the Assembly, and had 28 Senate cosponsors, with a majority of NYC's State legislators in both houses cosponsoring the legislation; and

WHEREAS, though many New York City residents have a Right to Counsel, Statewide Right to Counsel legislation would bring many benefits to New York City residents, ensuring all New York City residents have a right to counsel, strengthening mandates on our court system to enforce tenants' rights, and conferring counsel in tenant-initiated cases; and

WHEREAS, the full funding of Statewide Right to Counsel legislation would include funds to enable zealous representation and best legal practices across NYC civil legal services providers;

enable NYC providers to cover all New York City residents facing eviction and displacement; and enable the administering state body to research and address the effects of the national civil attorney shortage on New York State's ability to provide civil legal services for New Yorkers:

THEREFORE, BE IT RESOLVED THAT Community Board 2 Manhattan supports Statewide Right to Counsel for all New Yorkers who face losing their homes in legal proceedings and urges the State Assembly, Senate, and Governor to pass and fully fund Statewide Right to Counsel in the FY 2024 budget.

DRAFT