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COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

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March 25, 2025

Director
Licensing Issuance Division
NY State Liquor Authority 163 W. 125th Street
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on March 20, 2025, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**Tartinery W3 LLC dba Tartinery 78 W 3rd St 10012 (OP–Restaurant) (Class Change)
(DONYC–Roadway)**

- i. Whereas**, the Applicant and Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA #1 Licensing Committee #1 to present an application to the NYS Liquor Authority for a class change of their Restaurant Wine License (Lic ID #0240-24-101047, exp. 12/31/25, SN #6008968) to an On-Premises Restaurant Liquor License to continue to operate a French sandwich shop serving tartines and salads on the ground floor of an R7-2 with a C1-5 overlay zoned 4-story, residential building (c. 1900) on Thompson Street between West 3rd and Bleecker Streets (Block #543/Lot #67), the building falls within NYC LPC’s designated South Village Historic District; and
- ii. Whereas**, the ground floor storefront is roughly 2,400 sq. ft. (1,200 sq. ft. on the ground floor and 1,200 in the cellar, the floors connected by two interior staircases with no patron use of the cellar); there are 18 tables with 46 seats and one (1) bar with 11 seats for a total patron occupancy of 57 seats and a maximum legal occupancy of 74 persons; there is one (1) entry which will serve as patron ingress and egress and two (2) bathrooms; 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 will be from 8 AM to 12 AM Saturdays and Sundays and 7 AM to 12 AM Mondays through Fridays; music will be quiet background only consisting of music from iPod/CDs/streaming services; there will be no: dancing, DJs, promoted events, scheduled performances or cover fees, velvet ropes, movable barriers and no security personnel/doormen; there were plans for roadbed seating included with the submission to CB2, Man. which the Applicant has submitted to DOT as part of the Dining Out NYC program; and

- iv. **Whereas**, after appearing in November/2021 for an On-Premises Liquor License at this location for an expanded premises and different method of operation for which CB2, Man. recommended denial of the application, the Applicant appeared again before CB2, Man. in September/2023 for their Restaurant Wine application to operate a French sandwich shop at the location which the full board recommended approval of the application with agreed upon stipulations; and
- v. **Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan that they agreed to submit to the NYSLA and agreed would be attached and incorporated into the method of operation of the On-Premises Restaurant Liquor License, with those stipulations as follows:
1. Premises will be advertised and operated as a full-service French sandwich shop serving tartines, sandwiches and salads with the kitchen open and full menu items available until closing every night.
 2. The hours of operation will be 8 AM to 12 AM Saturdays and Sundays and 7 AM to 12 AM Mondays through Fridays. 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 roadbed seating operating under the Dining Out NYC program consisting of not more than 14 tables and 28 seats. All patrons will be seated and service will be from within the roadbed café boundaries. There will be no waitstaff service over any barriers or outside the areas indicated as patron areas on submitted diagrams.
 5. Submitted diagrams must be the final approved diagrams which include the FDNY travel lane waiver.
 6. Will follow all rules and regulations of the Dining Out NYC program. No exterior music, speakers, TVs or other sound reproduction devices in the outdoor area.
 7. Roadbed seating will close no later than 10 PM. All tables and chairs will be secured at this hour.
 8. No sidewalk seating now or in the future.
 9. 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.
 10. Will keep all sandwich boards against the building premises.
 11. Will not have televisions.
 12. Will close all doors and windows at 10 PM every night, allowing only for patron ingress and egress.
 13. Will not have patron occupancy/service to any portion of the cellar of licensed premises.
 14. Will not make changes to the existing façade except to change signage or awning.
 15. Will comply with NYC Department of Buildings Regulations and will keep current at all times required Permits and Certificates.
 16. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
 17. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
 18. Will not have any of the following: dancing, DJs, live music, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades or security personnel/doormen.
 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 change in method of operation/alteration prior to submitting plans for any sidewalk, roadbed or other outdoor seating.
- vi. **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 **88 active licensed premises** listed on LAMP within 750 feet of the subject premises, in addition to 7 pending licenses, the Applicant having operated for approximately 18 months at this location without incident, the hours of operation being reasonable and 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 CB2, Man. recommends **denial** of the application for a new on-premises tavern liquor license for **Tartinery W3 LLC dba Tartinery 78 W 3rd 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 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, 41 Board Members in favor.

We respectfully request that your agency take action consistent with the positions expressed in the above.

Sincerely,



Donna Raftery, Chair
SLA Licensing 1 and 2 Committees
Community Board #2, Manhattan



Susan Kent, Chair
Community Board #2, Manhattan

SK/em

cc: Hon. Daniel Goldman, Congressman
Hon. Brad Hoylman-Sigal, NY State Senator
Hon. Brian Kavanagh, NY State Senator
Hon. Deborah J. Glick, NY State Assembly
Hon. Grace Lee, State Assembly Member
Hon. Brad Lander, NYC Comptroller
Hon. Michael Levine, Man. Borough President
Hon. Erik Bottcher, NYC Council Speaker
Hon. Christopher Marte, NYC Council Member

Hon. Carlina Rivera, NYC Council Member
Thomas Donohue, Deputy Commissioner of Licensing, NY State Liquor Authority



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Community Board 2 Liquor License Stipulations

The original signed and notarized form must be returned to the CB2 office by Friday, March 14, 2025. If not returned 24 hours prior to CB2s full board meeting, the application will be denied.

I, Nicolas Dutko as a qualified representative of Tartinery W3 LLC dba Tartinery located at 78 W 3rd Street, New York, NY 10012 agree to the following stipulations:

Application Type: [X] OP Restaurant [] RW [] TW [] Alteration [] Other:

[X] Premise will be advertised and operated as a French sandwich shop

[X] Hours of operation:

Sunday: 8 AM to 12 AM Thursday: 7 AM to 12 AM
Monday: 7 AM to 12 AM Friday: 7 AM to 12 AM
Tuesday: 7 AM to 12 AM Saturday: 8 AM to 12 AM
Wednesday: 7 AM to 12 AM

(Premises will open no later than stated opening time and NO patrons will remain after stated closing time.)

- [X] Will operate a full-service restaurant, specifically a French sandwich shop serving tartines and Irving Farm coffee with the kitchen open and full menu items available until closing every night.
[X] Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
[X] Will not operate a backyard garden or any outdoor area for commercial purposes except for roadbed seating operating under the Dining Out NYC program consisting of not more than 14 tables and 28 seats. All patrons will be seated and service will be from within the roadbed café boundaries. There will be no waitstaff service over any barriers or outside the areas indicated as patron areas on submitted diagrams.
[X] Submitted diagrams must be the final approved diagrams which include the FDNY travel lane waiver.
[X] Will follow all rules and regulations of the Dining Out NYC program. No exterior music, speakers, TVs or other sound reproduction devices in the outdoor area.
[X] Roadbed seating will close no later than 10 PM. All tables and chairs will be secured at this hour.
[X] No sidewalk seating now or in the future.
[X] Will play recorded background music only. No music will be audible in any adjacent residences at any time.
[X] Will keep all sandwich boards against the building premises.
[X] Will not have televisions.
[X] Will close all doors and windows at 10 PM every night, allowing only for patron ingress and egress.
[X] Will not have patron occupancy/service to any portion of the basement of licensed premises.
[X] Will not make changes to the existing façade except to change signage or awning.
[X] Will comply with NYC Department of Buildings Regulations and will keep current at all times required Permits and Certificates.
[X] Will not have unlimited drink or unlimited food and drink specials. Will not have "boozy brunches." No pitchers of beer.
[X] There will be no "bottle service" or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
Will not have: [X] Dancing [X] DJs [X] Live Music [X] Promoted Events [X] Any event where cover fee is charged
[X] Scheduled Performances [X] Velvet ropes or metal barricades [X] Security Personnel/Doorman.
[X] 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.
[X] Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.
[X] Will appear before CB2, Man. for change in method of operation/alteration prior to submitting plans for any sidewalk, roadbed or other outdoor seating.

Residents may contact the Manager/Owner at the following phone number. Any complaints will be addressed immediately

Name: Nicolas Dutko Phone Number: (646) 675-6190

Signed [Signature] Print Name Nicolas Dutko Dated March 19, 2025
Sworn to this 19th day of March 2025 [Signature] Notary Public

CB2 and Applicant/Licensee request that the SLA add these stipulations to the method of operation/conditions of license

FRANK M. PALLINO
Notary Public
Qualified in Kings County
Commission Expires April 18, 2027