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COMMUNITY BOARD NO. 2, MANHATTAN

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December 19, 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 December 18, 2025, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

490 LaGuardia LLC 490-494 LaGuardia Pl. 10012 (OP-Restaurant) (Transfer)

- i. Whereas**, the Applicant and the Applicant's attorney appeared before Community Board 2, Manhattan's SLA Licensing Committee #1 to present an application to the NYS Liquor Authority for an On-Premises Restaurant Liquor License to operate a full-service neighborhood French restaurant on the ground floor of a four (4)-story mixed-use building (ca. 1870) on LaGuardia Place between East Houston and Bleecker Streets (Block #525/Lot #56), the building falling within NYC LPC's South Village Historic District; and
- ii. Whereas**, the ground floor premises is approximately 2,895 sq. ft., with 1,440 sq. ft. on the ground floor and 1,455 sq. ft. in the cellar, the cellar being accessed via an interior stairway used for kitchen prep and storage with no patron use; there will be 22 tables and 47 seats and one (1) bar with 17 seats for a total seated interior occupancy of 64 persons and a legal occupancy of 72 persons, there is one (1) entry serving as patron ingress and egress, one (1) emergency exit and two (2) patron bathrooms; there being existing French doors running the majority of the length of the storefront on LaGuardia Place; there will be sidewalk seating consisting of not more than 20 tables and 40 seats and roadbed seating of not more than 10 tables and 20 seats for a total of 60 seats on the exterior and a combined seating between the exterior and interior of 124 patron seats; and
- iii. Whereas**, the Applicant's hours of operation will be 12 PM to 1 AM Sundays through Saturdays (7 days a week); all exterior seating (sidewalk and roadway café) will end not later than 10 PM nightly; all doors and windows will close by 10 PM; music will be background only from iPods/CDs/streaming services; there will be no TVs, no DJ's or live music, no dancing, no promoted events, scheduled performances or cover fees and no security personnel or doormen; and
- iv. Whereas**, the premises to be licensed has been licensed with an On-Premises Tavern Liquor License from 2018 to the present under Low Overrun LLC dba Morgenstern's Finest Ice Cream (Lic ID #0370-24-127170, exp 9/30/2026) with CB2M unanimously recommending denial of the application in [April/2018](#), at the time requesting the application be calendared to appear before the Members of the NYS Liquor Authority, the ALJ who conducted the 500 ft hearing also recommending that the matter

be placed before the Members for Determination, the item never calendared for appearance before the Members of the Authority for determination and the license issued despite CB2M's denial recommendation, the ALJ's recommendation and without providing CB2M an opportunity to further speak to the liquor license application which is the general practice of the Authority, that application combining two storefronts, the first (south storefront) previously operated since at least 2005 as "Silver Spurs" (Andikiana Corp dba Silver Spurs, Lic ID #0340-17-105780), a neighborhood restaurant serving breakfast, lunch and dinner and closing at 11 PM during the week and 12 AM on the weekends; the second storefront (north storefront) being operated as Molcajete Taqueria, a previously unlicensed small takeout restaurant, the two storefronts being located on either side of the residential entrance and hallway to the building; and

- v. **Whereas**, the instant application being an asset purchase with the proposed method of operation returning the premises to being that of a full-service restaurant, albeit with an expanded footprint from that of Silver Spurs both on the interior and exterior of the premises and with later operating hours; and
- vi. **Whereas**, the Applicant's application as submitted to CB2M had closing hours of 2 AM, 7 days per week and had outdoor seating consisting of 98 seats on the exterior between the proposed sidewalk and roadway cafés consisting of seating both on LaGuardia Place and East Houston Street, the interior seating being 64 seats which is roughly what had been there previously, for a proposed overall seating of 162 persons; the prior exterior sidewalk café seating being for 32 seats on LaGuardia Place only, with CB2 receiving complaints over the years of congestion on the heavily-trafficked sidewalk due to the extensive sidewalk seating, the instant application seeking to essentially triple the size of the exterior seating; and
- vii. **Whereas**, CB2 raised concerns regarding both the proposed hours and the extensive exterior sidewalk seating noting that the previous sidewalk seating at the premises caused congestion to that sidewalk and that the proposed exterior seating tripled what had previously existed, additionally there is a large residential building directly across the street with a mix of residents ranging from senior citizens to young children, the Applicant having other popular licensed establishments in CB2, the instant application being that of a destination restaurant and bringing with it all the quality of life issues for residents that coincide with a destination restaurant including congested sidewalks due to patrons waiting in lines for seating, loud groups of patrons in particular due to the extensive exterior seating as well as traffic congestion due to for-hire vehicles; and
- viii. **Whereas**, the Applicant, hearing those concerns, agreeing to reduce the closing hours to 1 AM, 7 days a week and reduce the exterior seating to 60 seats in total, that number being almost double what had previously existed and caused issues in the past while also being significantly reduced from their initial proposal, with all exterior seating by 10 PM nightly; and
- ix. **Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with CB2M that they agreed to submit to the NYSLA and agreed would be attached and incorporated into the "method of operation" of the liquor license, with those stipulations being as follows:
 - 1. Will operate a full-service French neighborhood restaurant with the kitchen open and full menu items available until closing every night.
 - 2. The hours of operation will be from be from 12 PM to 1 AM Sundays through Saturdays (7 days a week). All patrons will be cleared, and no patrons will remain after stated closing time.
 - 3. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
 - 4. Will not operate a backyard garden or any outdoor area for commercial purposes except for a sidewalk café operating under the Dining Out NYC program consisting of not more than 20 tables and 40 seats and a roadway café of not more than 10 tables and 20 seats. All outdoor patrons will be seated and any waitstaff will serve only from within the Dining Out NYC sidewalk and/or

roadway café boundaries. There will be no waitstaff service over any barriers or outside the areas indicated as patron areas on submitted diagrams.

5. Sidewalk and roadway café will close no later than 10 PM. All tables and chairs will be secured at this hour. There will be no host stands, bus or service stations on the sidewalk or in the roadbed. No exterior music, speakers or TVs.
6. There will be no sidewalk or roadbed seating on West Houston Street
7. Will play recorded background music at conversational levels only, inclusive of any private parties or events. No music will be audible in any adjacent residences at any time.
8. Will not have televisions.
9. Will not have more than six (6) private parties per year.
10. Will use an electronic reservation system capable of online messaging to interact with customers remotely, as needed, to prevent crowds from queuing/gathering/waiting to enter on sidewalk.
11. Will close all doors and windows at 10 PM every night, allowing only for patron ingress and egress.
12. Will operate the entirety of the restaurant, including the northern-most dining area, under the same DBA and following the same method of operation, that being of a neighborhood French restaurant.
13. Will not have patron occupancy/service to any portion of the basement of licensed premises.
14. Will not make changes to the existing façade except to change signage or awning.
15. Will reach out to BAMRA, the local block association, in the immediate future to apprise them of the application and share contact information.
16. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
17. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
18. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
19. Will not have any of the following: dancing, DJs, live music, promoted events, any event where a cover fee is charged, scheduled performances, velvet ropes or barricades or doormen/security personnel.
20. Will not add more principals as presented to CB2M with greater than 20% share of business prior to submission of original application to the NYSLA.
21. Will appear before CB2M prior to submitting changes to any stipulation agreed to herein.
22. Will appear before CB2M 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 would be served by the granting of the On-Premises Liquor License at this location, there being **40 active licensed premises** and 5 pending licenses within 750 ft. according to LAMP, the agreed upon stipulations being reasonable, the premises having been previously licensed with a similar method of operation, the public interest being established albeit subject to the Applicant and Licensee abiding by those agreed upon stipulations; and

THEREFORE BE IT RESOLVED that CB2M recommends denial of the application for an On-Premises Restaurant Liquor License for **490 LaGuardia LLC 490-494 LaGuardia Pl. 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” of the NYSLA Liquor License in order to create public interest for the issuance of this liquor license.

Vote: Unanimous, 39 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



Valerie De La Rosa, Chair
Community Board #2, Manhattan

VDLR/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
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, December 12, 2025. If not returned 24 hours prior to CB2s full board meeting, the application will be denied.

I, **Jon Neidich** as a qualified representative of **490 Laguardia LLC dba TBD** located at **490-494 Laguardia Place, New York, NY 10012** agree to the following stipulations:

Application Type: OP Restaurant RW TW Alteration Other:

Premise will be advertised and operated as a neighborhood French café,

Hours of operation:

Sunday:	12 PM	to	1 AM	Thursday:	12 PM	to	1 AM
Monday:	12 PM	to	1 AM	Friday:	12 PM	to	1 AM
Tuesday:	12 PM	to	1 AM	Saturday:	12 PM	to	1 AM
Wednesday:	12 PM	to	1 AM				

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

- Will operate a full-service French neighborhood restaurant with the kitchen open and full menu items available until closing every night.
- Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
- Will not operate a backyard garden or any outdoor area for commercial purposes except for a sidewalk café operating under the Dining Out NYC program consisting of not more than 20 tables and 40 seats and a roadway café of not more than 10 tables and 20 seats. All outdoor patrons will be seated and any waitstaff will serve only from within the Dining Out NYC sidewalk and/or roadway café boundaries. There will be no waitstaff service over any barriers or outside the areas indicated as patron areas on submitted diagrams.
- Sidewalk and roadway café will close no later than 10 PM. All tables and chairs will be secured at this hour. There will be no host stands, bus or service stations on the sidewalk or in the roadbed. No exterior music, speakers or TVs.
- There will be no sidewalk or roadbed seating on West Houston Street.
- Will play recorded background music at conversational levels only, inclusive of any private parties or events. No music will be audible in any adjacent residences at any time.
- Will not have televisions.
- Will not have more than six (6) private parties per year.
- Will use an electronic reservation system capable of online messaging to interact with customers remotely, as needed, to prevent crowds from queuing/gathering/waiting to enter on sidewalk.
- Will close all doors and windows at 10 PM every night, allowing only for patron ingress and egress.
- Will operate the entirety of the restaurant, including the northern-most dining area, under the same DBA and following the same method of operation, that being of a neighborhood French restaurant.
- Will not have patron occupancy/service to any portion of the basement of licensed premises.
- Will not make changes to the existing façade except to change signage or awning.
- Will reach out to BAMRA, the local block association, in the immediate future to apprise them of the application and share contact information.
- Will comply with NYC Department of Buildings Regulations and will keep current at all times required Permits and Certificates.
- Will not have unlimited drink or unlimited food and drink specials. Will not have "boozy brunches." No pitchers of beer.
- There will be no "bottle service" or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.

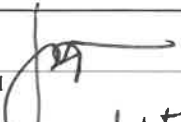
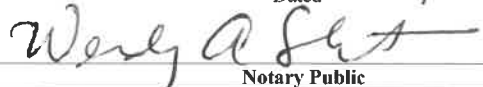
Will not have: Dancing DJs Live Music Promoted Events Any event where cover fee is charged
 Scheduled Performances Velvet ropes or metal barricades Security Personnel/Doorman.

continued

- 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.
- Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.
- 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: CRAIG ATLAS Phone Number: 917 502 2034

Signed 	Print Name <u>Jonathan Neidich</u>	Dated <u>12/11/25</u>
Sworn to this <u>11th</u> day of <u>December</u> 2025		 Notary Public

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

Wendy A. Slutzkin

