

Valerie De La Rosa, *Chair*
Eugene Yoo, *First Vice Chair*
Donna Raftery, *Second Vice Chair*



Antony Wong, *Treasurer*
Emma Smith, *Secretary*
Brian Pape, *Assistant 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

January 26, 2026

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 January 22, 2026,, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

Bar Penguin NYC LLC dba Bar Penguin fka Penguin Flagship NYC LLC dba Penguin 57 West 10th St 10011 (OP–Restaurant)

- i. **Whereas**, the Applicant and the Applicant’s attorney appeared before Community Board 2, Manhattan’s (CB2M) SLA Licensing Committee #2 to present an application to the NYS Liquor Authority (NYSLA) for an On-Premises Restaurant liquor license to operate a full-service, all-day neighborhood restaurant in the ground floor of an eight (8)-story mixed-use building (ca. 1885) on the residential block of West 10th Street between 6th and 5th Avenues (Block #574 / Lot #72); and
- ii. **Whereas**, the ground floor premises is approximately 1,600 sq. ft; there will be 22 tables and 44 seats and two (2) bars with 10 seats for a total seated occupancy of 54 persons and a legal occupancy of 74 persons, there is one (1) entrance serving as both patron ingress and egress and two (w) patron bathrooms, the store front infill being fixed with no operable doors or windows that open out to the sidewalk; there is no outdoor seating included with this application; and
- iii. **Whereas**, the Applicant’s hours of operation will be 9 AM to 11 PM Sundays through Thursdays and 9 AM to 12 AM Fridays and Saturdays; music will be background only from iPods/CDs/streaming services; there will be no TVs, no DJ’s or live music, no promoted events or scheduled performance, no cover fees, no velvet ropes or metal barricades and no security personnel/doormen; and
- iv. **Whereas**, the premises to be licensed had been licensed with an On-Premises liquor license from approximately 2017 to mid-2025 as Embre Restaurant Corp dba Osteria 57, originally with a restaurant wine license which was upgraded to an On-Premises liquor license in 2018

(Lic ID # 0340-23-130115) and prior to that was operated as I Pataca Restaurant Corp dba Piadina with a Restaurant Wine license; and

- v. **Whereas**, the Applicant currently holds an On-Premises Tavern liquor license at another premises in CB2M on West 13th Street (People's NY LLC, Lic ID # 0370-24-136782) which CB2M has received some complaints about regarding loud music and for-hire vehicles blocking the street leading to honking horns in the late night hours, the establishment being a popular, destination bar; the Applicant also came before CB2M in [December/2025](#) for an On-Premises liquor license to operate a full-service restaurant across the street from the instant application which CB2M unanimously recommended be approved; and

- vi. **Whereas**, the Applicant presenting the instant application as being a compliment to the restaurant across the street where they would operate as a neighborhood restaurant open for lunch and dinner without reservations until midnight every day; CB2 received a letter from a long-time resident of the block and heard testimony from another long-time resident of the block, both in opposition to the application and both citing the quiet residential nature of the block, that the previous restaurant was a low-key neighborhood spot and not a destination establishment as this is likely to be, with the added concern of the impact of the combined liquor license applications by these Applicants with two restaurants directly across the street from each other drawing their clientele to the neighborhood as opposed to serving the residents of the neighborhood having the potential to drastically change the character of the block due to the destination nature of their restaurants with people arriving and departing in for-hire vehicles, this block having parking on both the north and south sides of the street with a single lane of traffic, the traffic issues and late night honking that have been raised regarding their licensed premises on 13th Street likely to be exacerbated at this location with the Applicants having two licensed premises directly across the street from each other; and

- vii. **Whereas**, the Applicant, upon hearing the concerns of the residents and of CB2M agreed to reduce their hours to 11 PM Sundays through Thursdays and to operate on a reservation-only basis during the evening hours to prevent lines from forming on the sidewalk, in addition they will direct all for-hire vehicles to 6th Avenue for drop-off and pick-up; they had already conducted a sound study of the premises and will be implementing all the recommendations in the report so as to sufficiently soundproof the premises; and

- viii. **Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Man. 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 operated and advertised as a full-service neighborhood restaurant, primarily reservation-focused, with the kitchen open and full menu items available until closing every night.
 - 2. Hours of operation will be 5 PM to 11 PM Sundays through Thursdays and 5 PM to 12 AM Fridays and Saturdays. 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 other outdoor area for commercial purposes including any sidewalk café and/or roadbed seating.

5. Will play recorded background music at conversational levels only so as not to cause a disturbance in any adjacent residences at any time, inclusive of any private parties or events.
 6. Will implement and follow all the recommendations made by Acoustilog in their November 24, 2025 report.
 7. Will not have televisions.
 8. Will switch to a reservation-only method of operation in the evening and will use an electronic reservation system capable of online messaging to interact with customers remotely, as needed, to prevent crowds from queuing/gathering/waiting to enter on sidewalk.
 9. Will ensure that all for-hire vehicles are directed to 6th Avenue for drop-offs and pick-ups.
 10. Will have not more than 12 private parties per year.
 11. Will close all doors and windows at all times, allowing only for patron ingress and egress.
 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 and will comply with all NYC Landmark Preservation Commission regulations.
 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. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products
 17. Will not have dancing, DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances, velvet ropes or metal barricades or security personnel/doormen.
 18. 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.
 19. Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.
- 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, there being **52 active licensed premises** and 6 pending licenses within 750 ft. according to LAMP, the agreed upon stipulations and hours being reasonable, the public interest being established albeit subject to the Applicant and Licensee abiding by those agreed upon stipulations; and

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for an On-Premises Restaurant liquor license in the name of **Bar Penguin NYC LLC dba Bar Penguin fka Penguin Flagship NYC LLC dba Penguin 57 West 10th St 10011** **unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant are incorporated into the “method of operation” of the NYSLA liquor license in order to create public interest for the issuance of this liquor license.

Vote: Unanimous, 36 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. Brian Kavanagh, NY State Senator
Hon. Deborah J. Glick, NY State Assembly
Hon. Grace Lee, State Assembly Member
Hon. Michael Levine, NYC Comptroller
Hon. Brad Hoylman-Sigal, Man. Borough President
Hon. Erik Bottcher, NYC Council Member
Hon. Christopher Marte, NYC Council Member
Hon. Harvey Epstein, NYC Council Member
Thomas Donohue, Deputy Commissioner of Licensing, NY State Liquor Authority