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## COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE  
NEW YORK, NY 10012-1899

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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:

**Penguin Townhouse NYC LLC fka Penguin Flagship NYC LLC dba Penguin 64 West 10th St 10011 (OP–Restaurant) (*renotification, appearance waived*)**

- i. **Whereas**, the Applicant and the Applicant’s attorney appeared before Community Board 2, Manhattan’s SLA Committee in [December/2025](#) to present an application to the NYS Liquor Authority 2, Manhattan’s SLA Licensing Committee #2 to present an application to the NYS Liquor Authority for an On-Premises Restaurant Liquor License to operate a full-service reservation-focused neighborhood restaurant in the ground floor of a four (4)-story mixed-use building (a. 1838) on 10<sup>th</sup> Street between Avenue of the Americas (aka 6<sup>th</sup> Avenue) and 5<sup>th</sup> Avenue (Block #573/Lot #10), the building falling within NYC LPC’s Greenwich Village Historic District; and; and
- ii. **Whereas**, at the time Community Board 2, Man. unanimously recommend approval of the application with signed and executed stipulations, this is a renotification due to a change in name of the LLC; there are no changes in principals or method of operation, the Applicant resigned and notarized the same stipulation agreement under the new LLC name prior to CB2M’s SLA Committee meeting and therefore their appearance was waived, the executed stipulations are 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 12 AM Sundays through Wednesdays and 5 PM to 1 AM Thursdays through 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 not have televisions.
7. Will use an electronic reservation system capable of online messaging to interact with customers remotely, as needed, to prevent crowds from queuing/gathering/waiting to enter on sidewalk.
8. Will have not more than 15 private parties per year.
9. Will close all doors and windows at all times, allowing only for patron ingress and egress.
10. Will not install or have French doors, operable windows or open facades.
11. Will not make changes to the existing façade except to change signage or awning and will comply with all NYC Landmark Preservation Commission regulations..
12. Will comply with NYC Department of Buildings Regulations and will obtain Place of Assembly Certificate 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 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.
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 any changes to any stipulation agreed to herein.

**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 **Penguin Townhouse NYC LLC fka Penguin Flagship NYC LLC dba Penguin 64 West 10th St 10011** **unless** the statements presented by the Applicant are accurate and complete and that all the conditions and stipulations agreed to by the Applicant in March/2023 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



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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, January 16, 2026. If not returned 24 hours prior to CB2s full board meeting, the application will be denied.

I, Emmet McDermott as a qualified representative of Penguin Townhouse NYC LLC fka Penguin Flagship LLC dba Penguin located at 64 West 10<sup>th</sup> Street, New York, NY 10011 agree to the following stipulations:

Application Type:  OP Restaurant  RW  TW  Alteration  Other:

Premise will be advertised and operated as a full-service neighborhood restaurant.

Hours of operation:

Sunday:	5 PM	to	12 AM	Thursday:	5 PM	to	1 AM
Monday:	5 PM	to	12 AM	Friday:	5 PM	to	1 AM
Tuesday:	5 PM	to	12 AM	Saturday:	5 PM	to	1 AM
Wednesday:	5 PM	to	12 AM				

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

- Will operate a full-service neighborhood restaurant, primarily reservation-focused, 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 other outdoor area for commercial purposes including any sidewalk café and/or roadbed seating.
  - 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.
  - Will not have televisions.
  - 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 have not more than 15 private parties per year.
  - Will close all doors and windows at all times, allowing only for patron ingress and egress.
  - Will not install or have French doors, operable windows or open facades.
  - Will not make changes to the existing façade except to change signage or awning and will comply with all NYC Landmark Preservation Commission regulations.
  - Will comply with NYC Department of Buildings Regulations and will obtain Place of Assembly Certificate and keep current at all times required Permits and Certificates.
  - 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.
- 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.

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

Name:

*Emmet McDermott*  
EMMET McDERMOTT

Phone Number:

212 400 6613

Signed

Sworn to this

9

day of

JAN

2026

Print Name

EMMET McDERMOTT

Dated

1/9/26

Notary Public

KEDA WILLIAMS

Notary Public - State of New York

No. 01116643703

Qualified in Bronx County

My Commission Expires 11/07/2026

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