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COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

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March 24, 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 March 19, 2026, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**Counter Restaurant NYC LLC fka 341 West Broadway Restaurant LLC dba Counter
NYC 341 W Broadway 10013 (OP–Restaurant)**

- i. **Whereas**, the Applicant and the Applicant's Attorney appeared before Community Board 2, Manhattan's (CB2M) SLA Licensing Committee #1 to present an application to the NYS Liquor Authority (NYSLA) for a new On-Premises Restaurant liquor license to fine dining restaurant serving American diner cuisine on the ground floor, mezzanine and 2nd floor of a two (2)-story commercial building (ca. 1930) on West Broadway between Grand and Broome Streets (Block #475/Lot #3), the building falling within NYC LPC's designated SoHo-Cast Iron Historic District and the Special SoHo-NoHo Mixed Use District; and
- ii. **Whereas**, the premises is approximately 2,090 sq. ft. with 1,220 sq. ft. on the ground floor, 189 sq. ft. on the mezzanine with no patron occupancy, and 681 sq. ft. on the 2nd floor, the floors being connected by an interior staircase; there will be 18 tables with 40 seats and one bar with five seats for a total seated occupancy of 45 persons and a legal occupancy of 62 persons, the 2nd floor being used as a bar and private dining room; the premises has one (1) door which will serve as patron ingress and egress and two (2) bathrooms; the store front infill being fixed without operable doors or windows that open out to the sidewalk; and
- iii. **Whereas**, the proposed hours of operation will be from 9 AM to 12 AM Sundays through Wednesdays and 9 AM to 1 AM Thursdays through Saturdays with the last reservation being at 11:30 PM and no walk-ins permitted after that time; music will be quiet background only consisting of music from iPod/CDs; there will be no televisions; there will be no dancing, DJs, live music, promoted events, no scheduled performances or cover fees, no security personnel or doormen; and

- iv. **Whereas**, the premises was most recently licensed with a restaurant wine license under Yakinuku Futago Soho LLC (Lic ID #0240-25-124580, exp 9/30/2027) since approximately 2025 and FTG Company USA Inc dba Nikuatei Futago (Lic ID # 0240-23-140246, exp. 3/31/2025), prior to that the premises operated as Dulce Holgar Bakery, a Basque bakery for a brief time in 2014, followed by Donostia Bakery LLC dba Home Sweet Home also with a restaurant wine license (Lic ID # 0240-14-100466, exp 6/30/2016); and
- v. **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 new Restaurant Wine liquor license, with those stipulations as follows:
1. Will be advertised and operated as a fine dining full-service restaurant serving American diner cuisine with the kitchen open and full menu items available until closing every night.
 2. The hours of operation will be 9 AM to 12 AM Sundays through Wednesdays and 9 AM to 1 AM Thursdays through Saturdays with the last reservation being 11:30 PM every night and no walk ins permitted after 11:30 PM. 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, inclusive of any private parties or events. No music will be audible in any adjacent residences at any time.
 6. Will have not more than 12 private parties per year.
 7. Will not have televisions.
 8. Will close all doors and windows at all times, allowing only for patron ingress and egress.
 9. Will not have patron occupancy/service to any portion of the mezzanine of licensed premises.
 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.
 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: dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades or security personnel/doorman.
 16. 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.
 17. Will appear before CB2M prior to submitting any changes to any stipulation agreed to herein.
- 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 **49 active licensed premises** and 6 pending licenses within 750 ft. of the premises proposed to be licensed according to LAMP, the Applicant having reached out to the SoHo Alliance, the local block association, and reached an agreement on

hours with their method of operation being primarily a reservation-based fine dining experience allowing for diners to dine at a leisurely pace, the agreed upon hours and stipulations 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 CB2M recommends denial of the application for a new On-Premises Restaurant liquor license for **Counter Restaurant NYC LLC fka 341 West Broadway Restaurant LLC dba Counter NYC 341 W Broadway 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” of the NYSLA liquor license.

Vote: Unanimous, 33 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, March 13, 2026.
If not returned 24 hours prior to CB2s full board meeting, the application will be denied.

I, David Pines as a qualified representative of Counter Restaurant NYC LLC fka 341 West Broadway Restaurant LLC dba Counter NYC located at 341 West Broadway, New York, NY 10013 agree to the following stipulations:

Application Type: ☒ OP Restaurant ☐ RW ☐ TW ☐ Alteration ☐ Other:

☒ Premise will be advertised and operated as a fine dining restaurant serving American diner cuisine.

☒ Hours of operation:

Sunday:	9 AM	to	12 AM*	Thursday:	9 AM	to	1 AM*
Monday:	9 AM	to	12 AM*	Friday:	9 AM	to	1 AM*
Tuesday:	9 AM	to	12 AM*	Saturday:	9 AM	to	1 AM*
Wednesday:	9 AM	to	12 AM*				

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

*Last reservation is 11:30 PM nightly. No walk-ins after 11:30 PM any night.

- ☒ Will operate a full-service fine dining restaurant with a focus on "Michelin-caliber execution of classic American diner dishes" 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, inclusive of any private parties or events. No music will be audible in any adjacent residences at any time.
 - ☒ Will have not more than 12 private parties per year.
 - ☒ Will not have televisions.
 - ☒ Will close all doors and windows at all times, allowing only for patron ingress and egress.
 - ☒ Will not have patron occupancy/service to any portion of the mezzanine of licensed premises.
 - ☒ 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 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: DAVID PINES Phone Number: (212) 909-8295

Signed <u>David Pines</u>	Print Name <u>DAVID PINES</u>	Dated <u>03/12/26</u>
Sworn to this <u>12th</u> day of <u>March</u> , 2026		
Notary Public, State of New York <u>Julie Rotunno</u>		Notary Public

CB2 and Applicant/Licensee request that the Board agree to these stipulations to the method of operation/conditions of license
Commission Expires May 23, 2027