

Tobi Bergman, *Chair*  
Terri Cude, *First Vice Chair*  
Susan Kent, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Susan Wittenberg, *Assistant Secretary*

## COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE  
NEW YORK, NY 10012-1899

[www.cb2manhattan.org](http://www.cb2manhattan.org)

P: 212-979-2272 F: 212-254-5102 E: [info@cb2manhattan.org](mailto:info@cb2manhattan.org)

Greenwich Village ♦ Little Italy ♦ SoHo ♦ NoHo ♦ Hudson Square ♦ Chinatown ♦ Gansevoort Market

### FULL BOARD MINUTES

**DATE:** July 23, 2015  
**TIME:** 6:30 P.M.  
**PLACE:** Scholastic Building, 557 Broadway, Auditorium

**BOARD MEMBERS PRESENT:** Keen Berger, Tobi Bergman, Chair; Carter Booth, Anita Brandt, Richard Caccappolo, Lisa Cannistraci, Tom Connor, Terri Cude, Cristy Dwyer, Robert Ely, Joshua Frost, Susan Gammie, Jonathan Geballe, Sasha Greene, Susan Kent, Jeannine Kiely, Maud Maron, Lois Rakoff, Robert Riccobono, Robin Rothstein, Sandy Russo, Shirley Secunda, Kristin Shea, Federica Sigel, Shirley Smith, Sean Sweeney, Shannon Tyree, Antony Wong, Robert Woodworth, Elaine Young

**BOARD MEMBERS ABSENT WITH NOTIFICATION:** Don Borelli, William Bray, Coral Dawson, Maria Passanante Derr, Billy Freeland, Daniel Miller, Maury Schott, Sean Sweeney, Susan Wittenberg

**BOARD MEMBERS ABSENT:** Daniel Ballen, Ritu Chattree, Robin Goldberg

**BOARD MEMBERS PRESENT/ARRIVED LATE:** Susanna Aaron, Katy Bordonaro, Doris Diether, David Gruber, Edward Ma, Alexander Meadows, Rocio Sanz, Chenault Spence, Richard Stewart

**BOARD MEMBERS PRESENT/LEFT EARLY:** None

**BOARD STAFF PRESENT:** Bob Gormley, District Manager; Florence Arenas, Community Coordinator, and Julio Mora, Community Associate

**GUESTS:** Robert Atterbury, Congressman Jerrold Nadler's office; Jared Odessky, Senator Brad Hoylman's office; Melissa Gindin, Senator Daniel Squadron's office; Morris Chan, Manhattan Borough President Gale Brewer's office; Charles Anderson, Assembly Member Deborah Glick's office, Dan Campanelli, NYC Comptroller Scott Stringer's office; Adam Chen, Public Advocate Letitia James' office; David Moss, Council Member Corey Johnson's office; Matt Viggiano, Council Member Rosie Mendez's office; Vincent Fang, Council Member Margaret Chin's office; Sam Manzella, Amy Tse, Brandon Fradd, Simi Esan, Timothy Leonard, Lauren Cosgrove, Jean B. Grillo, Andrew Marvel, Amanda Cesario, Chris Frederick, Howard Read, Peter Nadin, Amy Kaufman, Oriol Gutierrez, David Ehrich, Ria Boemi, Joseph Deasly, Richard Burns, Ken Lustbader, Dr. Gil Horowitz, William Harrison, Joe Alfano, Danielle Nazinitsky, Maria Tamburno, Maryann Roberto Fine, Katy Abreu, Suzannw Poli, Bruce Poli, Julie Just, Paul Leonard, Darlene Lutz, Yukie Ohta, Ray Cline, Alexandria Lu, Jeffrey Deitch, Logan Sailor Hicks, Dolores Covrigara, Andy Palmer, Frederick Austin Rivers, Nicholas Sakover, Edward Laawrence, Danielle Su, Elizabeth Bowler, Esther Hering, Mike Dunlap, Britton Hogge, Champ Knecht, Gary Henkle, Rabbi David Bauer, D. Fong, Serena ?, Randy McHaney, Floyd Meyers, Carol Sigmund, Bill Torres, Todd Elfman, Edwardo Rodriguez, Prem Chattoo, Peter Joseph, Audrey Taylor, Kristen Zarcadoolas, RoseAnn Herman, Ralph Tachiuk, Rachel Abramson, Alexander Rodriguez, Christopher Martin, Fred Stein, Ken Laughan, Dimitri Liberis, David Carter, Richard Wundel, Jim Fouratt, Jennifer

Margulis, Christopher Shyer, David Turley, Andrew Berman, David Schneider, Marsha Kness, Rick Landman, Bill Bahlman, Michael Seltzer, Oliver Spellman, Michael Levine,

## **MEETING SUMMARY**

Meeting Date – July 23, 2015  
Board Members Present – 38  
Board Members Absent With Notification – 8  
Board Members Absent: 4  
Board Members Present/Arrived Late - 8  
Board Members Present/Left Early – 0

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### **II. PUBLIC SESSION**

#### **Non-Agenda Items**

##### SoHo Strut

Danielle Nazinitsky announced several upcoming events.

#### **Landmarks & Public Aesthetics Items**

78 Grand St. Application to restore building envelope, reconfigure existing storefront per ADA requirements and to construct a rooftop bulkhead addition  
Jeffrey Deitch spoke against the Landmarks application.

#### **Land Use and Business Development Items**

529 Broadway - construction for renovation of a demolished, existing building  
Cal Sigmund spoke against this construction/renovation.

## **Parks/ Waterfront**

Consideration of a proposal to create a Stonewall National Monument in Christopher Park  
David Carter, Richard Wundel, Ria Boemi, Jim Fouratt, Julie Just, Champ Knecht, Rabbi David Bauer, David Ehrich, Oriol Gutierrez, Christopher Shyer, Jean B. Grillo, Jennifer Margulis, Todd Elfman, Bruce Poli, Suzanne Poli, Andrew Marvel, David Turley, Dr. Gil Horowitz, Mike Dunlap, Andrew Berman, David Schneider, Marsha Kness, Rick Landman, Dolores Covrigara, Bill Bahlman, Michael Seltzer, Oliver Spellman, Richard Burns, Michael Levine, and Ken Lustbader, spoke in favor of the Stonewall Monument proposal.

Audrey Taylor spoke regarding the Stonewall National Monument proposal.

## **SLA Licensing Items**

Hudson Gastro Pub LLC, d/b/a The Hudson Division, 581 Hudson St. 10014  
Dimitri Liberis, the principal, spoke in favor of the proposed On-Premise liquor license.

Prem Chattoo spoke regarding the proposed liquor license.

## **Traffic & Transportation Items**

Street Closure at Waverly Place between Charles St. & 7<sup>th</sup> Ave. So.  
Peter Joseph spoke against the street closure.

## **III. ADOPTION OF AGENDA**

## **IV. ELECTED OFFICIALS PRESENT AND REPORTING**

Robert Atterbury, Congressman Jerrold Nadler's office

Jared Odessky, Senator Brad Hoylman's office

Melissa Gindin, Senator Daniel Squadron's office;

Dan Campanelli, NYC Comptroller Scott Stringer's office;

Morris Chan, Manhattan Borough President Gale Brewer's office;

Charles Anderson, Assembly Member Deborah Glick's office;

David Moss, Council Member Corey Johnson's office;

Vincent Fang, Council Member Margaret Chin's office;

Matt Viggiano, Council Member Rosie Mendez's office;

## **V. ADOPTION OF MINUTES**

Adoption of May and June minutes.

## **VI. EXECUTIVE SESSION**

1. **Chair's Report** Tobi Bergman reported.

2. **District Manager's Report** Bob Gormley reported.

## **STANDING COMMITTEE REPORTS**

### **LANDMARKS AND PUBLIC AESTHETICS**

#### **FIRST LANDMARKS MEETING**

**1 - 34 Howard Street** - (Broadway/Crosby) - SoHo Cast-iron Historic District. Application is to replace storefront and lower a portion of the ground floor to provide an accessible entry at grade.

**Whereas**, the restoration to the storefront suits the building well, and, at 24", the metal base below the display window is in scale; and

**Whereas**, the proposed non-illuminated signage is tasteful, but too plentiful; now

**Therefore, be it resolved** that CB2, Man. recommends approval of proposed work, but requests just one sign over the middle awning instead of the three proposed.

Vote: Unanimous, with 38 Board members in favor.

**2 - 32 Dominick Street** (Varick/Hudson) - Individual Landmark. Application is to restore front façade, replace front and rear windows and doors, recladding of roof, enlarge the rear dormer, addition of rear 2nd and 3rd story, excavation for rear addition.

**Whereas**, the front restoration is commendable; and

**Whereas**, we do not object to the proposed work on the rear overall, but question the appropriateness of the mansard-like shape of the rear-dormer roof, and, further,

**Whereas**, we aver that, since the fenestration has divided lights, the style of the upper windows should be continued down to the lower level; now

**Therefore, be it resolved** that CB2, Man. recommends approval to restore the front facade, as well as the rear facade, but questions the mansard-like shape of the rear dormer's roof and would like to see more uniformity in the rear fenestration.

Vote: Unanimous, with 38 Board members in favor.

**3 - 78 Grand Street** (Wooster/Greene) - SoHo Cast-iron Historic District. Application is to restore building envelope (repointing, masonry cleaning, window replication and replacement), reconfigure existing storefront per ADA requirements and to construct a rooftop bulkhead addition.

**Whereas**, the proposed restoration of the building envelope will add to the building and the historic district; and

**Whereas**, bringing the storefront and entrances down to grade will enable ADA compliance; but

**Whereas**, we found the height of the elevator bulkhead to be excessively out-of-scale; but

**Whereas**, we do note that the applicant agreed to apply to the DOB for a waiver on the claimed requirement for elevator access to the upper floor of a duplex apartment; now

**Therefore, be it resolved** that CB2, Man. recommends approval of the proposed restoration of the front façade; but finds the height of the elevator bulkhead to be excessive, and supports the applicant’s agreement to apply for a waiver at the DOB.

Vote: Unanimous, with 38 Board members in favor.

**4 - 74 Grand Street** (Wooster/Greene) - SoHo Cast-iron Historic District. Application is a request for a report from the Landmarks Preservation Commission to the Department of City Planning, stating that a program has been established for continuing maintenance that will result in the preservation of the subject building and that such use or bulk modifications, or restorative work required under the continuing maintenance program, contributes to a preservation purpose.

**Whereas**, the applicant did not volunteer that this was a 74-711 application, only stating that fact when asked by the committee; and

**Whereas**, the restorative work is extensive and serves a preservation purpose; but

**Whereas**, the applicant also did not state whether there was to be a continuing maintenance program, although we hope there would be, as 74-711 requires; and

**Whereas**, the applicant did disclose “the maximum number of dwelling units proposed” as 74-711 requires; but

**Whereas**, these proposed “dwelling units” represent a substantial change of use: from the conforming and widespread Joint Live-Work Quarters for Artists (JLWQA) to a use group that is relatively uncommon and only recently introduced into the SoHo Historic District, Use Group 2 (Residential); and

**Whereas**, under 74-711, “such use modifications shall have minimal adverse effects on the conforming uses within the building and in the surrounding area”; and

**Whereas**, high property values in this historic district have greatly reduced the need for 100% utilization of this program to incentivize preservation, since many building owners are undergoing extensive restorative work WITHOUT asking for a change of use – lending credence to the argument that this section of the zoning text has outlived its usefulness and is being used merely as a weapon to accomplish with spot zoning what the current zoning text will not permit; and

**Whereas**, this application will not have the required “minimal adverse effects within the building and *in the surrounding area*” because JLWQA housing continues to have value by helping to preserve affordability for artists and their families, as well as supplying diversity within this historic district, long-recognized for its artist residents, now

**Therefore, be it resolved** that CB2, Man. recommends denial of this application to request a report from LPC to DCP.

Many building owners are doing similar, if not even greater, restorative work, but without asking for a change of use that will produce negative impact on the conforming uses – positive and contributing uses that tend to retain an affordable housing stock; and, further,

**Be it resolved**, that it is time to re-examine the necessity and relevance of ZR 74-711 in the SoHo Cast-Iron Historic District.

Vote: Unanimous, with 38 Board members in favor.

**5 - 127 Prince Street** - - SoHo Cast-iron Historic District. Application is to install signage

**Whereas** the Landmarks Preservation Commission's publication *The Certificate of Appropriateness Public Hearing: Information for Applicants* states that "applicants are strongly encouraged to contact the Community Board to arrange for review of the proposal before the public hearing"; and

**Whereas** the applicant did not contact the Community Board or appear before the Landmarks Committee to present this application; now

**Therefore, be it resolved** that CB2, Man. recommends denial of this application in the absence of this important step in the review process.

Vote: Unanimous, with 38 Board members in favor.

**6 - 382 West Broadway** (Spring/Broome) - SoHo Cast-iron Historic District. Application to install a flagpole and banner.

**Whereas**, at 75 feet, West Broadway is considered a “wide” street by DOT and this is a wide building that can accommodate these two angled banners; now

**Therefore, be it resolved** that CB2, Man. recommends approval of this application.

Vote: Unanimous, with 38 Board members in favor.

**7 - 33 Wooster Street** (The Performing Garage - Grand/Broome) - SoHo Cast-iron Historic District  
Application is to remove existing violations: removal and relocation of exterior light fixtures, removal of paint on existing brick, and removal of thru-the-wall air conditioners and air conditioner sleeves.

**Whereas**, this theater non-profit, an iconic SoHo pioneer that wishes to remain in the neighborhood, seeks to improve the condition of its front façade, and we find that the proposed scope of work accomplishes that; now

**Therefore, be it resolved** that CB2, Man. recommends approval of this application.

Vote: Unanimous, with 38 Board members in favor.

**7 - 33 Wooster Street** (The Performing Garage - Grand/Broome) - SoHo Cast-iron Historic District Application is to remove existing violations: removal and relocation of exterior light fixtures, removal of paint on existing brick, and removal of thru-the-wall air conditioners and air conditioner sleeves.

**Whereas**, this theater non-profit, an iconic SoHo pioneer that wishes to remain in the neighborhood, seeks to improve the condition of its front façade, and we find that the proposed scope of work accomplishes that; now

**Therefore, be it resolved** that CB2, Man. recommends approval of this application.

Vote: Unanimous, with 38 Board members in favor.

**8 - 14 Christopher St.** - Application is to legalize the installation of a storefront, awnings and windows without LPC permits.

**1. Whereas**, the nearly full length, operable windows without historically appropriate bulkheads or transoms replaced historical style infill that was the same, or closely resembled, as the condition at designation; and

**2. Whereas**, the windows are inappropriate to the building and the very narrow residential street on which they front and have the added problem of -when open- the noise levels are unacceptable on this residential street; and

**3. Whereas**, the application presented fussy, decorative, fixed valance style awnings which are inappropriate to the neighborhood, building and the residential area and are on installed on all windows, including a blind window; and

**4. Whereas**, several neighbors spoke forcefully against the application; now

**Be it resolved**, that CB2, Man. recommends **denial** of the application; and

**Be it further resolved** that, CB2, Man. recommends that the infill be restored to the match the historic photos or the condition at designation and that the awnings be removed.

Vote: Unanimous, with 38 Board members in favor.

*NB: CB2 has, from time to time; recommend approval of operable windows in eating and drinking establishments. Each application is considered on a case-by-case basis and approval of individual applications doe not constitutes a precedent for all applications. Recommendations for approval have been made only when they are in keeping with the building and are on wide commercial streets and generally when the building faces a park or commercial buildings.*

**9 - 44 & 46 Horatio St.** - Application is to restore original ground floor entry and areaway at 44 Horatio, construct a one-story rooftop addition and bulkhead at 46 Horatio, excavate rear yard and enlarge window openings on rear facade.

**1. Whereas**, number 46 façade in intact and number 44 has been altered a number of times; and

**2. Whereas**, number 44 will be altered to match number 46 with respect to the façade, ironwork, and appearance; and

**3. Whereas**, single panel, historically appropriate front doors will be installed in both buildings; and

**4. Whereas**, the rear yard will be raised approximately two feet to align with the parlor floor; and

**5. Whereas**, the rear façade will have lengthened, historically referenced windows respecting the three punched opening pattern typical to the building; and

**6. Whereas**, a industrial style rooftop addition on number 46 is excessive in height, mass and scale and is clearly visible from **virtually all sight lines**; and

**7. Whereas**, no effort has been made to design the addition as an artist studio resembling the several typical examples from the district that were presented **nor was there any effort to minimize the roof top addition**; therefore

**Be it resolved**, that CB2, Man. recommends approval of the front façade, the rear façade, and the changes to the garden; and

**Be it further resolved**, that CB2, Man. recommends denial of the rooftop addition.

Vote: Unanimous, with 38 Board members in favor.

**10 - 346 Bleecker St.** - Application is to remove a large awning, repair original brick detailing and granite base to original condition, and replace windows and door.

**1. Whereas**, the removal of the awning, installation of a small overhang with signage over the entry way and adjacent north window and the restoration of the original brick façade and a portion of the granite bulkhead enhances the building's appearance; and

**2. Whereas**, the large window in the neighboring store to the south notwithstanding, the proposed southern window of the subject on the Bleecker Street façade destroys the original granite bulkhead and is a "show window" out of keeping with the intact corner of the building; and

**3. Whereas**, the extended show window (part window, part showcase) on the 10<sup>th</sup>. Street façade extends beyond the property line, violates the window opening width exposure, and is **not in keeping with the design of the building**;

**Therefore, be it resolved**, that CB2, Man. recommends approval the removal of the **awnings**, their replacement with a small overhand with signage over the entry and adjoining window and the restoration of the brick and granite; and

**Be it further resolved** that CB2, Man. recommends **denial** of the alteration to the south, Bleecker street window unless the granite bulkhead matching the northern portion of the façade be preserved and restored; and

**Be it further resolved** that CB2, Man. recommends **denial** of the alterations and extension of the window on the 10<sup>th</sup>. Street façade.

Vote: Unanimous, with 38 Board members in favor.

**11 - 60 West 11<sup>th</sup>. Street** – Application is A) to replace front façade windows; install new roofing with front dormer window, and glazes skylight assembly facing the rear yard; B) create 2<sup>nd</sup>. Floor rear expansion over existing first floor prior addition; C) restore rear brick façade and replace non-historic upper level window locations.

**1. Whereas**, the façade window restoration and addition of the barely visible attic dormer window are appropriate to the building and the district; and

**2. Whereas**, the alterations to the attic, including the addition of a skylight assembly have historical reference and are not visible from [the street](#); and

**3. Whereas**, the changes to the window pattern on the upper stories restores the openings to their historic position; and

**4. Whereas**, the handsome “tea house” addition at the parlor floor conforms to the footprint of the existing rear yard extension on the first floor and is located behind the rear façade thus preserving the rear façade intact;

**Therefore, Be it Resolved** that CB2, Man. recommends approval of this application.

Vote: Unanimous, with 38 Board members in favor.

**12 - 27 Vandam St. - Application is to legalize the painting of windows in black without LPC permits.**

Whereas, the black window frames are typical of the district [and are](#) in keeping with the [architectural historical style](#);

**Therefore, Be it Resolved** that CB2, Man. recommends legalization of the windows in their current color.

Vote: Unanimous, with 38 Board members in favor.

## **LAND USE AND BUSINESS DEVELOPMENT**

**1. 650 Broadway** (east side of Broadway between Bleecker and Bond Street) for a Physical Culture Establishment (PCE). BSA Application #131-15-BZ is for a special permit per ZR 73-36 to legalize and allow operation of a PCE in an M1-5B zoning district. The PCE to be operated as Clockwork Jiu Jitsu.

### **Whereas:**

1. The application was presented to the committee by Michael Naemins of Eric Palatnik; and
2. The proposed Physical Culture Establishment is in an M1-5B zone where this use is not allowed as-of-right and a Special Permit is required; and
3. The use as proposed will not impair the essential character or the future use or development of the surrounding area; and
4. The proposed premises will include facilities for classes, instruction and programs for learning and practicing Brazilian Jui Jitsu; and
5. The applicant indicated that noise abatement measures are provided within the PCE space to ensure that the sound level does not exceed 45 dba; and

6. There were no public speakers for or against the application.

**Therefore, be it resolved that:** CB2, Man. recommends APPROVAL for a special permit to allow operation of a Physical Culture Establishment to be operated as Clockwork Jiu Jitsu at 650 Broadway.

Vote: Unanimous, with 38 Board members in favor.

**2. 449 Broadway** (the west side of Broadway between Grand and Howard) Application CEQR# 15DCP151M & Land Use ID # I150337 ZSM for a special permit pursuant ZR Section 74-781 to allow UG6 below the floor level of the second story of a building located in an M1-5B zoning district.

**Whereas:**

1. This is a five-story building located within an M1-5B zoning district.
2. The applicant seeks a special permit in accordance with NYC ZR Section 74-781 to allow Use Group 6 retail and service establishment uses in portions of the ground floor and cellar of the building.
3. Use Group 6 office uses will remain on the upper floors.
4. There is no Certificate of Occupancy for the building.
5. The applicant presented evidence of a most perfunctory effort to rent the space at market rates to conform to the requirements for the special permit, but research revealed the following information on the entities contacted by the applicant:
  - a) Association of Graphic Communications – incorporation lapsed in 2009 and phone disconnected
  - b) The Chambers/Canal Civic Association – no references later than 1992 and phone disconnected
  - c) The Association of Commercial Property Owners – only internet references are to a 1988 lawsuit and no phone listing in whitepages.com
  - d) The Garment Industry Development Corp. – no posts to their Facebook page since 2009
  - e) The Federation of Apparel Manufacturers – only address listed was on West 34<sup>th</sup> St., but letter was sent to an address on Seventh Ave.
  - f) Local 23-25/UNITE – labor union defunct since 2004; letter sent to an address on Seventh Ave.; actual address is 33 W 14th St., NY 10011
  - g) The Chinese-American Planning Council – a social service agency offering services for youth and the elderly in the Chinatown area; unrelated to manufacturers.
6. The required advertisements in the New York Post and The Villager were not even legible and did not properly reflect the audience for the space by referring to it only as suitable for "manufacturing," whereas in fact the M1 zone is appropriate for myriad light industry uses such as, but not limited to, woodworking shops, repair shops, computer sales, retail plumbing and bath equipment showrooms, copying centers, wholesale service and storage facilities, and even houses of worship.
7. The letter from Robert Frischman dated February 25, 2014 (Exhibit B) confirming that he was retained by the applicant to market and lease the above property did not mention that, according to an article in The Real Deal dated November 19, 2013, he left his firm three months prior to head the Retail division of EVO Real Estate Group. His firm no longer exists and the phone has been disconnected.
8. An attendee at the Land Use meeting who owns a manufacturing business expressed interest in the space at the advertised rate of \$80 per sf, but was unaware of any advertising efforts.
9. No members of the public appeared on this issue.

**Therefore, be it resolved** that CB2, Man. has no objection in principle to allowing Use Group 6 at this location, but recommends DENIAL of this application in light of the complete absence on the part of the applicant of a good faith marketing effort to find a tenant; and

**Be it further resolved** that if this application is approved, CB2, Man. recommends that the following be included as conditions of approval:

- a) That the DOB filing include all work needed for a permanent CO for the entire building.
- b) That sufficient measures be taken to assure safe and healthful habitation of the upper floors during all phases of work;
- c.) That the developer and general contractor provide email addresses and mobile phone numbers to office tenants to assure 24/7 availability until all work is signed off on by the DOB.

Vote: Unanimous, with 38 Board members in favor.

**3. 357 Canal Street** (between West Broadway and Wooster Street) Application CEQR# 15DCP149M & Land Use I 150333 ZSM for a special permit pursuant ZR Section 74-781 to allow UG6 below the floor level of the second story of a building located in an M1-5B zoning district.

**Whereas:**

1. This is a five-story building located within an M1-5B zoning district.
2. The applicant seeks a special permit in accordance with NYC ZR Section 74-781 to allow Use Group 6 retail and service establishment uses in portions of the ground floor and cellar of the building.
3. The upper floors of the project area are interim multiple dwellings (IMD) that have been under the jurisdiction of the Loft Board since 1992. Specifically:
  - a. The second and fifth floors are “buyr” (tenants sold their Loft Law rights); these floors must stay residential but are market-rate.
  - b. The third and fourth floors were abandoned and must stay residential but are also not rent-regulated.
4. There is no Certificate of Occupancy for the building.
5. There is a current Alt1 permit to legalize the residential units, but the work has not been completed.
6. The applicant presented evidence of a most perfunctory effort to rent the space at market rates to conform to the requirements for the special permit, but research revealed the following on the entities contacted by the applicant:
  - a. Association of Graphic Communications – incorporation lapsed in 2009 and phone disconnected
  - b. The Chambers/Canal Civic Association – no references later than 1992 and phone disconnected
  - c. The Association of Commercial Property Owners – only internet references are to a 1988 lawsuit and no phone listing in whitepages.com
  - d. The Garment Industry Development Corp. – no posts to their Facebook page since 2009
  - e. The Federation of Apparel Manufacturers – only address listed was on West 34<sup>th</sup> St., but letter was sent to an address on Seventh Ave.
  - f. Local 23-25/UNITE – labor union defunct since 2004; letter sent to an address on Seventh Ave.; actual address is 33 W 14th St., NY 10011
  - g. The Chinese-American Planning Council – a social service agency offering services for youth and the elderly in the Chinatown area; unrelated to manufacturers

7. The required advertisements in the New York Post and The Villager were not even legible and did not properly reflect the audience for the space by referring to it only as suitable for "manufacturing," whereas in fact the M1 zone is appropriate for myriad light industry uses such as, but not limited to, woodworking shops, repair shops, computer sales, retail plumbing and bath equipment showrooms, copying centers, wholesale service and storage facilities, and even houses of worship.
8. The letter from Robert Frischman dated February 25, 2014 (Exhibit B) confirming that he was retained by the applicant to market and lease the above property did not mention that, according to an article in The Real Deal dated November 19, 2013, he left his firm three months prior to head the Retail division of EVO Real Estate Group. His firm no longer exists and the phone has been disconnected.
9. An attendee at the Land Use meeting who owns a manufacturing business expressed interest in the space at the advertised rate of \$80 per sf, but was unaware of any advertising efforts.
10. The cellar and ground floor of the building have been vacant since August, 2009.
11. Retail space is limited to 1112 s.f. of floor space in the cellar and 930 s.f. of zoning floor area on the ground floor.
12. There is a 13'9"-wide potential entrance on Wooster St. to this property, which if combined with this space and the applicant's adjoining property at 359 Canal, could threaten to overtax that narrow street.
13. There is also the possibility that the ground floors and cellars of these two buildings could in the future be combined. However, the application states that the requested action is not intended to facilitate any construction or structural changes at the project area.
14. No members of the public appeared on this issue.

**Therefore, be it resolved** that CB2, Man. has no objection in principle to allowing Use Group 6 at this location, but recommends DENIAL of this application in light of the complete absence on the part of the applicant of a good faith marketing effort to find a tenant; and

**Be it further resolved** that if this application is approved, CB2, Man. recommends that the following be included as conditions of approval:

- a. That the intent of the project is to complete the legalization of all uses in the building in full compliance with the purposes of IMD law.
- b. That legalization work will proceed in a timely fashion and upon leaving the Loft Board's jurisdiction, the units are (and remain) properly registered.
- c. That the DOB filing shall include all work needed for a permanent CO for the entire building.
- d. That upon filing for such work, application will be made to the Loft Board for a Letter of No Objection;
- e. The applicant be held to its assertion that there will be no construction or structural changes at the project area.
- f. That sufficient measures will be taken to assure safe and healthful habitation of upper floors during all phases of work;
- g. That the developer and general contractor will provide email addresses and mobile phone numbers to residents to assure 24/7 availability of liaisons until all work is signed off on by the DOB.

Vote: Unanimous, with 38 Board members in favor.

**4. 359 Canal Street** (between West Broadway and Wooster Street) Application CEQR# 15DCP150M & Land Use I 150334 ZSM for a special permit pursuant ZR Section 74-781 to allow UG6 below the floor level of the second story of a building located in an M1-5B zoning district.

**Whereas:**

1. This is a five-story building located within an M1-5B zoning district.
2. The applicant seeks a special permit in accordance with NYC ZR Section 74-781 to allow Use Group 6 retail and service establishment uses in portions of the ground floor and cellar of the building.
3. The upper floors of the project area are interim multiple dwellings (IMD) that have been under the jurisdiction of the Loft Board since 1992. Specifically:
  - a. The second and fourth floors are buyr (tenants sold their Loft Law rights); these floors must stay residential but are market-rate.
  - b. The third and fifth floors must stay residential and are rent-regulated.
4. There is no Certificate of Occupancy for the project area.
5. There is a current Alt1 permit to legalize the residential units, but the work has not been completed.
6. The applicant presented evidence of a most perfunctory effort to rent the space at market rates to conform to the requirements for the special permit, but research revealed the following on the entities contacted by the applicant:
  - a. Association of Graphic Communications – incorporation lapsed in 2009 and phone disconnected
  - b. The Chambers/Canal Civic Association – no references later than 1992 and phone disconnected
  - c. The Association of Commercial Property Owners – only internet references are to a 1988 lawsuit and no phone listing in whitepages.com
  - d. The Garment Industry Development Corp. – no posts to their Facebook page since 2009
  - e. The Federation of Apparel Manufacturers – only address listed was on West 34<sup>th</sup> St., but letter was sent to an address on Seventh Ave.
  - f. Local 23-25/UNITE – labor union defunct since 2004; letter sent to an address on Seventh Ave.; actual address is 33 W 14th St., NY 10011
  - g. The Chinese-American Planning Council – a social service agency offering services for youth and the elderly in the Chinatown area; unrelated to manufacturers
7. The required advertisements in the New York Post and The Villager were not even legible and did not properly reflect the audience for the space by referring to it only as suitable for "manufacturing," whereas in fact the M1 zone is appropriate for myriad light industry uses such as, but not limited to, woodworking shops, repair shops, computer sales, retail plumbing and bath equipment showrooms, copying centers, wholesale service and storage facilities, and even houses of worship.
8. The letter from Robert Frischman dated February 25, 2014 (Exhibit B) confirming that he was retained by the applicant to market and lease the above property did not mention that, according to an article in The Real Deal dated November 19, 2013, he left his firm three months prior to head the Retail division of EVO Real Estate Group. His firm no longer exists and the phone has been disconnected.
9. An attendee at the Land Use meeting who owns a manufacturing business expressed interest in the space at the advertised rate of \$80 per sf, but was unaware of any advertising efforts.
10. The cellar and ground floor of the building have been vacant since July, 2013.
11. Retail space is limited to 1335 sf of floor space in the cellar and 1161 sf of zoning floor area on the ground floor.

12. The applicant's adjoining property at 357 Canal has a 13'9"-wide potential entrance on Wooster St, which if combined with this property could overtax this narrow street.
13. There is also the possibility that the ground floors and cellars of these two buildings could in the future be combined. However, the application states that the requested action is not intended to facilitate any construction or structural changes at the project area.
14. No members of the public appeared on this issue.

**Therefore, be it resolved that** CB2, Man. has no objection in principle to allowing Use Group 6 at this location, but recommends DENIAL of this application in light of the complete absence on the part of the applicant of a good faith marketing effort to find a tenant; and

**Be it further resolved that** if this application is approved, CB2, Man. recommends that the following be included as conditions of approval:

- a. That the intent of the project is to complete the legalization of all uses in the building in full compliance with the purposes of IMD law.
- b. That legalization work will proceed in a timely fashion and upon leaving the Loft Board's jurisdiction, the units are (and remain) properly registered.
- c. That the DOB filing shall include all work needed for a permanent CO for the entire building.
- d. That upon filing for such work, application will be made to the Loft Board for a Letter of No Objection;
- e. The applicant be held to its assertion that there will be no construction or structural changes at the project area.
- f. That sufficient measures will be taken to assure safe and healthful habitation of upper floors during all phases of work;
- g. That the developer and general contractor will provide email addresses and mobile phone numbers to residents to assure 24/7 availability of liaisons until all work is signed off on by the DOB.

Vote: Unanimous, with 38 Board members in favor.

**5. 529 Broadway** (northwest corner of Broadway and Spring Street). A new six-story retail building is under construction to replace a two-story building that was demolished. Owners at 99 Spring Street, CB2, Man., and the offices of the Manhattan Borough President and Council Member have raised concerns regarding approval of the project by the Department of Buildings as an ALT 1 enlargement of the prior structure rather than as a new building, with implications regarding the rights and safety of the neighboring buildings, as well as, the conforming uses in the surrounding area.

**Whereas:**

1. CB2, Man. scheduled a public hearing to review complaints from neighbors regarding what were referred to as inaccurate and dishonest representations made to the Department of Buildings in connection with Job #121235608 as well as a failure of DOB to respond to complaints from the neighbors and inquiries from CB2 and the office of the Manhattan Borough President;
2. CB2, Man. notified the applicants, owners of neighboring buildings, and the Manhattan Borough DOB Commissioner, of the time and place of the hearing;
3. On September 8, 2014, NYC DOB approved an application for an ALT 1 "Interior renovation on all floors including demo work, and vertical enlargement" as well as an application for "File with foundation, structural, and partial demolition of structural work;"

4. Subsequent to the approval, the prior two-story steel frame building was entirely demolished including all walls, structure, and foundations, and construction began on a new building with new footings and foundations;
5. The NYC Building Code requires that a New Building application be filed if “a) an existing building is completely demolished to grade or b) more than 50% of the area of exterior walls of such building are removed in addition all floors at or above grade and roof are removed, and any portion of the foundation system is altered or enlarged;”
6. The DOB approvals for this development as an enlargement of an existing building were based on a filing by the applicant of a CCD1 Construction Code Determination Form stating that the walls of the two adjacent buildings were “party walls” and therefore 50% of the exterior walls of the demolished building were still standing;
7. Representatives of 99 Spring Street complained of the repeated granting of waivers for Saturday construction by the DOB based on assertions by the applicant that there is no residential property nearby;
8. They presented detailed and persuasive documentation including copies of deeds and surveys and extensive historic information about the prior buildings on the 529 Broadway site to show that the claim of a party wall shared by the two buildings is false;
9. The CCD1 filed by the applicant offered no evidence of a prior party wall;
10. DOB only stated that “the request to concur that party walls qualify as exterior walls in applying TTPN 1-02 is hereby approved”;
11. The burden of proof for allowing a new building to proceed as an enlargement based on a prior party wall should require the applicant to provide documentation of the existence of a party wall because improper declaration of a party wall is equivalent to a taking of real property;
12. The applicants failed to appear at the hearing and the DOB representative declined to speak;
13. The use of the ALT 1 permit instead of a NB New Building permit avoids the requirement to apply for a special permit and have a public review to continue non-conforming retail use of the floors below the floor level of the second story of the new building;
14. DOB records show that on August 28, 2013, a ZRD1 Zoning Resolution Determination was requested in connection with this job for the purpose of allowing the continuation of the non-conforming Use Group 6 retail use on the First Floor, which for a new building would require a special permit from the City Planning Commission;
15. The development is currently filed for separate retail stores on the first through fourth floors, with each store being 8,596 square feet, thereby not triggering zoning restrictions prohibiting stores greater than 10,000 square feet;
16. Separate stores on each of multiple levels is not a credible retail plan in this area, because the planned use of the building has been publicized as a multilevel NIKE flagship store and related documents have been filed to enable the financial backing of the development;
17. CB2 has expressed deep concern about the transformation of SoHo from a special mixed use area to an area dominated by large retail stores, often many times larger than 10,000 square feet, and often allowed by DOB without the required special permits;
18. As a result of this transformation that favors large “high credit” chain stores, many parts of SoHo have already lost their attractiveness for specialty retail, galleries, and residential and office uses that the area is known for;
19. Circumventing the CPC special permit process allows large stores to be established without demonstrating that they are not harmful to neighborhood character and to conforming uses in the area;

**Therefore, CB2 Manhattan calls on the Department of Building:**

1. To issue a 15-day Intent to Revoke requiring proof that the east wall of 99 Spring Street served as a party wall for a prior structure at 529 Broadway;

2. To respond as required of City agencies to complaints and inquiries from interested parties, the community board, and elected officials;
3. To immediately initiate a transparent review of its policies and procedures regarding approvals of stores exceeding 10,000 square feet in the M1-5A and M1-5B districts.

Vote: Unanimous, with 38 Board members in favor.

## **PARKS/ WATERFRONT**

### **Resolution Regarding the proposal to create a Stonewall National Monument as world's first national park site designed to interpret, protect, and preserve the history and culture of LGBT people**

#### **Whereas,**

1. the series of events between June 28 and July 3, 1969, collectively known as Stonewall, occurred at the Stonewall Inn and in and around Christopher Park, located in Community Board #2;
2. these events signified the “emblematic event” in modern lesbian, gay, bisexual, and transgender (LGBT) history and have come to symbolize the birthplace of the modern gay rights movement;
3. President Obama talked about Stonewall in his second inaugural address, citing it as a definitive moments in U.S. civil rights history;
4. in June 1999 the area around the Stonewall Inn was listed on the National Register of Historic Places and the area was designated a National Landmark in February 2000; however, there are no units of the National Park System that preserve, protect, and interpret the history and culture of LGBT Americans;
5. the National Park Service is charged with preserving and interpreting American history for future generations;
6. supporters of an idea to create a protected national park unit called the Stonewall National Monument have asked Community Board #2 to support this goal;
7. some federal property ownership is required in order to create a National Monument, and would require the transfer of Christopher Park from New York City to the National Park Service;
8. Christopher Park is a neighborhood park providing a rare and essential place of respite in a dense and vibrant area in the Greenwich Village Historic District;
9. neighborhood groups currently provide volunteer support and care for the park;
10. the National Park Service undertakes an extensive public engagement process before deciding to recommend designation of a new National Monument and any transfer of land would necessitate a full community review of plans through the City’s Uniform Land Use Review Procedure (ULURP) including full plan details for design, programming, operations, and security all of which would be developed during an open community engagement process culminating in recommendations from Community Board 2 Manhattan and the Manhattan Borough President and action considered by the New York City Planning Commission and City Council.

#### **Therefore it is resolved that CB2, Man.,**

1. Supports the goal of creating a National Monument at Christopher Park and the surrounding area to provide permanent recognition of the importance to our nation's history of the Stonewall Uprising and the LGBT Movement it sparked.
2. Invites all stakeholders to begin the process of moving towards this goal while protecting and preserving the treasured uses and character of this neighborhood park and would endeavour to create and facilitate a Working Group to this end.

VOTE: Unanimous, with 38 Board Members in favor.

## **SIDEWALKS/STREET ACTIVITIES**

### **1. New App. App. for revocable consent to operate an unenclosed sidewalk café for:**

**French Cuisine Inc., 78 Carmine St, with 12 tables & 24 chairs (8279-2015-ASWC)**

**Whereas**, the area was posted, applicant's principals, Christophe Ganier and Constance Huault appeared as well as its representative, Steven Wygoda, R.A. and no community members appeared in favor or in opposition; and

**Whereas**, this location is the former Café Espanol with the same number of tables and chairs; and

**Whereas**, applicant shall 1) utilize removable planters no more than 30 inches in height from the ground; 2) umbrellas with a 7 foot clearance; and, 3) operate the following hours: Sunday: 10 a.m. – midnight; Monday: 11 a.m. – midnight; Tuesday: 11 a.m. – midnight; Wednesday: 11 a.m. – midnight; Thursday: 11 a.m. – midnight; Friday 11 a.m. – 1 a.m.; Saturday 10 a.m. – 1 a.m.; and

**Whereas**, applicant shall submit a new plan indicating where the umbrellas are located;

**THEREFORE, BE IT RESOLVED**, that CB2, Man. recommends **APPROVAL** of a new application for revocable consent to operate and unenclosed café to **French Cuisine Inc., 78 Carmine St, with 12 tables & 24 chairs (8279-2015-ASWC)**

VOTE: Passed, with 36 Board Members in favor, and 2 in opposition (S. Tyree, K. Bordonaro).

### **2. FYI Renewal Applications For Sidewalk Cafés (Unenclosed & Enclosed):**

**Whereas**, the renewals below were posted on the CB2, Man. website and there were no community members requesting these applications be heard, and

**Whereas**, these cafés have been operated for at least 2 years by these applicants and the Board has not been notified of any issues with their operation.

- R & G Spring, LLC, d/b/a Piccola Cucina, 196 Spring St. with 2 tables & 4 chairs (1463501-DCA)
- Whitehall NYC, LLC, 19 Greenwich Ave. with 4 tables & 8 chairs (146444847- DCA)
- Le Gans Restaurant, Inc., 46 Gansevoort St. with 6 tables & 16 chairs (1456381-DCA)

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **APPROVAL** of the above referenced **RENEWAL** applications for revocable consents to operate unenclosed and enclosed sidewalk cafés.

VOTE: Unanimous, with 38 Board Members in favor.

### **3. Applications for Street Activities Permits:**

**Whereas**, CB2, Man. attempts to determine, within its ability, that each sponsor is a community-based, not-for-profit organization, association, or the like, which has an indigenous relationship to the specific street, community or both; and

**Whereas**, the areas were posted, for notification to the community and the applicants, as noted, were present regarding the applications below;

**8/16/15 126 Feast of St. Rocco Block Party, 113 Baxter St. bet Canal & Hester Sts.**

**Whereas**, applicant appeared by Bruno Codispoti, Esq. and Paul Tocci, two members of the St. Rocco Society of Potenza; and

**Whereas**, the Feast of St. Rocco has been celebrated at St. Joseph's Parish on Monroe Street since 1958 and as a result of the Archdiocese of New York closing of St. Joseph's Parish, the Feast is relocating to Most Precious Blood Parish at 113 Baxter Street; and

**Whereas**, the Feast consists of a Church service at noon and a four hour religious procession through the streets of Little Italy, returning to the Church; and

**Whereas**, there are no outdoor activities (such as vendors, food, or music) other than approximately fifty chairs and some tables set up in the street for attendees;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this event on Baxter St. between Canal & Hester Sts.

Vote: Unanimous, with 38 Board members in favor.

**9/5/15 New Amsterdam Market, Bond St between Broadway & Lafayette St.**

**Whereas**, the applicant is the NoHo BID and the Producer is the New Amsterdam Market consisting of a European style market of approximately 30-40 vendors positioned in the parking lanes (facing the sidewalks) on the north and south sides of Bond Street, the easterly and westerly boundaries of which is Shinebone Alley and Broadway respectively; and

**Whereas**, the New Amsterdam Market previously operated the market at the South Street Seaport; and

**Whereas**, the proposed hours are: 8- 9 a.m., set-up; 9 a.m. – 5 p.m., operation; 5-6 p.m. breakdown; and

**Whereas**, the trucks and vans delivering and picking up the vendors and their products will be garaged in the local garages and not on the street near the market nor will there be any refrigerated trucks parked on Bond Street or in the immediate area: and

**Whereas**, the NoHo Bid shall provide supplementary street cleaning services until 6 p.m.; and

**Whereas**, there shall be no chairs and tables available for seated food consumption; and

**Whereas**, this application is for every Saturday for twelve months; however, the committee believes that a provisional permit of shorter duration should be approved; and

**Whereas**, the Committee and the Applicant have agreed that this matter should be laid over to September so that the Applicant can prepare for a more detailed discussion on the following issues: vendor stall design and equipment utilized; noise, garbage removal and cleaning; preliminary budget; vendor list and products; community outreach; and, not-for-profit benefit to the community;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends a lay over of this application for a street activity/event on Bond St. between Lafayette and Broadway Sts. to the September, 2015 calendar.

Vote: Unanimous, with 38 Board members in favor.

**FYI Renewal Applications for Street Activities:**

- **9/13/15** - Palio on Minetta Block Party, Minetta St. bet. Bleecker St. & Minetta Lane
- **9/20/15** - Cycle For the Cause- Northeast AIDS Ride Block Party, West 13<sup>th</sup> Street, bet. 7<sup>th</sup> Ave. & Greenwich Ave.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **APPROVAL** of the above referenced **RENEWAL** applications for street activities:

Vote: Unanimous, with 38 Board members in favor.

**SLA LICENSING**

**1. Emmanuel NY Corp. d/b/a Hometown Hotpot & BBQ, 194 Grand St. 10013** (New Beer & Wine application, previously unlicensed location).

**A. Whereas**, the applicant appeared before CB2, Manhattan’s SLA Licensing Committee for a beer and wine license to operate a full service Malaysian & Southeast Asian Restaurant with individual induction stoves on its customer tables and BBQ available for patrons in the ground floor storefront of a newly built (circa 2015) seven story commercial use building in the Little Italy Town District on Grand Street between Mulberry Street and Mott Street; and

**B. Whereas**, the premises is located in a 5,099 SF space (1,560 SF Ground Floor and 3,539 SF Cellar) with 30 tables and 162 seats, no stand up Bars for a total seating occupancy of 162, a full service kitchen, seven bathrooms and two entrances/exits for patrons (one which will be connected to a Hotel); there will be no sidewalk café or outdoor space; and

**C. Whereas**, the hours of operation will be Sunday to Thursday from 11AM to 12AM and Fridays and Saturdays from 11AM to 1AM, music will be quiet background only consisting of music from ipod/cd’s, all doors and windows will be closed by 9pm every night except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no TV’s; and,

**D. Whereas**, the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant wine license stating that:

1. The premises will be advertised and operated as a full service restaurant Malaysian & Southeast Asian restaurant.
2. The hours of operation will be Sunday to Thursday from 11AM to 12AM and Friday to Saturday from 11AM to 1AM.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.

5. The premises will not permit dancing.
6. The premises will play quiet ambient, recorded background music only.
7. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
8. The Premises will close all doors and windows at 9PM every night and anytime there is amplified music.
9. The operator will not install French doors or windows that open out to the sidewalk.
10. There will be no stand up bars.
11. Will not permit wait lines to form on sidewalk, no velvet ropes, no movable barriers and will not operate sidewalk café.
12. There will be no all you can drink specials combined with any all you eat food offers.
13. Must obtain a Public Assembly permit prior to issuance of license.

**E. Whereas**, there are currently 37 licensed premises within 500 ft. of the premises (including beer and wine);

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant Beer/Wine License for **Emmanuel NY Corp. d/b/a Hometown Hotpot & BBQ, 194 Grand St. 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" on the SLA Restaurant Beer/Wine License.

Vote: Unanimous, with 38 Board members in favor.

**2. 135 Tart LLC d/b/a Once Upon a Tart, 135 Sullivan St. (North Storefront only) 10012** (New Beer & Wine application, previously unlicensed location).

**A. Whereas**, the applicant presented before CB2 Man. for a Beer Wine license and seeks to operate a bakery café in the South Storefront and a Wine Bar at night in the North Storefront simultaneously in two separate, unconnected and distinct "North" and "South" storefronts on the ground floor of a 6 story residential building (circa 1900) located on Sullivan Street between West Houston and Prince Streets; and

**B. Whereas**, the two storefronts were previously operated for many years as a small café and catering business known as "Once Upon a Tart" by a different operator serving pastries during daytime hours only and closing by 6 pm daily; and

**C. Whereas**, this is the fifth application for a liquor license at these same premises (with previous applications heard in July & August/2014, January/2015 and May/2015) and all prior applications have resulted in a deny recommendation by Community Board, 2 Man.; and

**D. Whereas**, neither the north or south storefronts have ever been licensed for the sale of beer, wine or liquor nor has either operated as an eating and drinking establishment; these two storefronts are located within a Landmarked residentially zoned block (no commercial overlays) and the commercial use on this ground floor is a grandfathered use and past uses have directly served the immediate needs of the community; and

**E. Whereas**, the current applicants are husband and wife, whose plan and stated intention is to continue the bakery café and catering business with the prior menu until 6 PM in the South Storefront but also intend to change its method of operation in the North Storefront **only** to offer boutique wines from around the world with imported, micro-brewed and handcrafted artisanal beer with new hours of operation from 6PM to 11 PM Sunday through Thursday and from 6 PM to 12 AM Fridays and Saturdays; and

**F. Whereas**, the North storefront is a 360 s.f. space, including 3 tables with 15 seats, no stand up bar, one bathroom but does not have a full service kitchen, music will be background only, there will be live acoustical music by local musicians but such music will be limited to one or two nights a week, non-amplified and will cease by 10:30 PM and there will be no outdoor areas or sidewalk café; and

**G. Whereas**, the South Storefront is a 1,200 sf space, with 18 tables and 41 seats, one service bar, one bathroom and a kitchen but will not be included or any part of the current application and where the sale of alcohol would be prohibited and not permitted; and

**H. Whereas**, the two storefronts are not connected to each other but each one does have a doorway that leads directly to an interior common hallway used by the 22 residential apartment dwellers in the same building; and

**I. Whereas**, the two storefronts are divided by this residential hallway which the current operator and proposed licensee does not have exclusive possession and control over and will never have exclusive possession and control over, this Hallway representing the only means of egress into and out of the building for the residential dwellers living in the building and where their mail is delivered; and

**J. Whereas**, residents from the same building where the subject premises is located appeared each and every time an application was presented for these combined storefronts in opposition to the applications, explaining that the prior operator and current operator/applicant of the two storefront premises previously used the two doorways from each storefront leading into the common residential hallway on a daily basis to operate the combined business in the two storefronts, providing photos to demonstrate how the business operates in the residential hallway to gain access to **1)** its cold storage facilities located elsewhere in a basement area, **2)** garbage disposal and **3)** a third exterior egress/ingress that leads to a cemented passageway, which leads completely around the building in the rear and down one side of the building adjacent to residential terraces and residential windows of neighbors in two residential buildings and which ultimately leads to a basement gate leading to the sidewalk and Sullivan Street, a gate which residents indicated is often left unlocked, creating significant foreseeable security concerns for the existing residents of the building, not to mention quality of life concerns for the existing tenants; and

**K. Whereas**, the same tenants appeared for the instant application and indicated that the current operator and applicants have over the last four days finally stopped using the common residential hallway in question and is operating the combined business without using any portion of said hallway in anticipation of the instant beer wine application and were pleased to see the operator now committed to not using the residential common hallway for any purposes, the applicant's posting of signage prohibiting the use of such internal doorways leading into the hallway; but despite the change and operator's commitment to not use the hallway were still very uneasy and concerned about the applicants past use of the hallway and the credibility of the operator's current promise to not use the hallway into the future; and

**L. Whereas**, in the past members of CB#2 Man.'s SLA Committee were permitted to inspect the premises to review the concerns of the residents from inside and around the exterior of the building relating to the existing cold storage facilities, the exterior passageway and to determine whether the two storefronts could be operated jointly by one operator without any use of the interior common hallway used by the residential tenants in the building; and

**M. Whereas**, while CB2, Man. once again has considerable concerns with how the operator will operate both storefronts serving alcohol as an eating and drinking establishment in the north storefront only and without using the interior common residential hallway in the same building, the current operator and applicants agreed and promised to never use the interior residential hallway to operate their business in either storefront, that the cold storage facilities in the rear and basement underneath the North Shorefront could and would now be exclusively accessed from a hatch at the front of the north storefront premises and via an exterior passageway that reaches around the building from Sullivan Street, that any food prepared earlier in the day in the South storefront would be transferred to the north storefront from exiting the main entrances of each storefront and without any use of the interior hallway doorways, that trash would be taken out via the front entrances to the sidewalk, that the interior doorways leading to the interior residential hallway would be locked and that signage would be posted on the interior doorways into the future to prohibit their use by patrons, employees or anyone else; and

**N. Whereas**, the applicant also agreed to stop any and all use of a sidewalk platform in front of each storefront for eating and drinking because there is currently no permit or sidewalk café license to do so and the residential zoning prohibits sidewalk cafes for both premises, and it has not been affirmatively demonstrated that these outdoor areas were ever within the building lot line and the applicant agreed to prohibit the outdoor seating as a part of his future method of operation incorporated into his beer/wine license for the north storefront; and

**O. Whereas**, 25 residents from the immediate area appeared before CB2's SLA Committee in July/2014 in opposition to the proposed licensing of the premises, 12 residents from the immediate area again appeared in August/2014 in opposition to the proposed licensing of the premises, 7 residents appeared in opposition in January/2015, 6 more appeared in opposition in May/2015 and 4 more residents appeared in opposition for the instant application, providing the committee over time with petitions, photographs demonstrating large crowds on the sidewalk in front of another existing restaurant on the same block and outlining their concerns as to the proliferation and over-saturation of liquor licenses on this particular block, establishing that prior to 2009 there was only one licensed premises on this one block but as of 2015 there are six such licensed premises, with concerns about future and additional applications at other potential locations within the same block, a significant increase in noise levels from the use of additional storefronts being operated with late night hours that did not previously exist and the poor layout of the premises in multiple but separate storefronts that the operators have consistently and inappropriately accessed and operated through the common hallway used by residents in the same building; and

**P. Whereas**, residents over time also appeared in support of the current license, some of whom lived on the block and some of whom did not, promoting the character of the applicant, the character of the business and worried about chain stores that could potentially replace the existing cafe; and

**Q. Whereas**, unlike the prior applications for a license to serve alcohol at these premises, the current operators and applicants agreed to significantly limit and change its method of operation to establish a coherent plan **to operate in the future** in both the North and South storefronts simultaneously but **without using and relying upon the use of the common residential hallway separating the two storefronts to operate as one business**, agreed to limit his hours of operation for the service of beer and wine to only within the confines of the North Storefront until 11 PM Sunday through Thursday and until

12 AM Fridays and Saturdays, agreed to stop operating and using the outdoor tables and chairs in front of the premises, agreed to not seek to license for the service of alcohol in the South Shorefront and further agreed to not seek to upgrade the license to an on-premise license at any point in the future to alleviate the concerns of CB2's SLA Committee, the residents of the same building and its immediate neighbors who consistently appeared over a number of years in opposition to any licensed establishment at these premises located on a narrow residential block which was not intended to house these types of uses; and

**R. Whereas,** the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant wine license stating that:

1. The premises will be advertised and operated as a coffee and pastry shop during the day with the service of boutique wines from around the world with imported, micro-brewed and handcrafted artisanal beer during the evenings Sunday to Thursday until 11 PM and Fridays/Saturdays until 12 AM. All patrons will be cleared and no patrons will remain after stated closing times.
2. Will operate with a Beer Wine license only in the North Storefront and not in the South Storefront of 135 Sullivan Street.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. There will be one entrance from the sidewalk and any and all access, use or egress of hallway doors leading to the residential hallway will be strictly prohibited and signage will be posted to prevent such access, egress or use.
5. There will be no commercial use of the residential hallway located between the north and south storefronts of 135 Sullivan Street.
6. There will be no service of alcohol in the South storefront at any time.
7. The premises will not have televisions.
8. The premises will not permit dancing.
9. The premises will play quiet ambient, recorded background music at all times except when live acoustical performances by local musicians occur.
10. The live acoustical music will be without amplification and will be limited to one or two nights per week, will end by 10:30 PM and will include the use of a piano, guitar, bass and vocals only and will not include percussion or drums.
11. The premises will not have DJ's, live music, promoted events or any event where a cover fee is charged.
12. The Premises will close all doors and windows at 9PM every night.
13. The operator will not install French doors or windows that open out to the sidewalk.
14. Will not operate in any outdoor space and will not operate a sidewalk café.
15. There will be no upgrade to a full on premise license at the premises in the future.
16. The South Storefront will not be licensed for the sale of alcohol in the future.

**S. Whereas,** there are currently 14 licensed premises and three pending licenses within 500 ft. of the premises (including beer and wine) and 36 within 750 ft. (including beer and wine) of the premises;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant Beer/Wine License for **135 Tart LLC d/b/a Once Upon a Tart, 135 Sullivan St. (North Storefront only) 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" on the SLA Restaurant Beer/Wine License.

Vote: Unanimous, with 38 Board members in favor.

**3. S.O. Farms Hospitality Group LLC d/b/a Queens Way, 16-18 King St. 10014** (transfer of OP license, New Mekong Rest. lic. #1180262, exp. 10/31/2016).

**A. Whereas,** two of the three applicants appeared before CB2's SLA Licensing committee in June/2015 to present an application for a transfer of an existing license to operate a farm to table restaurant serving Breakfast, Lunch and Dinner (Mediterranean-Asian fare) in a 1,800 SF double storefront ground floor space with an entrance to the restaurant from each storefront and two bathrooms within a 6-story mixed-use building (Circa 1920) with 23 residential apartments above (Zoned R7-2) at the southwest corner of King Street and Sixth Avenue; and

**B. Whereas,** the premises is currently operated and has been operated since 2005 as the Mekong Restaurant with operating hours no later than 11 PM every night, the two storefronts being connected by two interior doorways, the first storefront being a corner storefront with existing French doors, the only front entrance for patrons at the corner and a sidewalk café which extends from its only entrance at the corner down the King Street and Sixth Avenue sidewalks contained by planters; the second storefront located further west on King Street from the corner storefront and adjacent to additional residential buildings with an exterior service doorway used only during the daytime hours by employees/staff only and never previously as a means of egress for patrons; and

**C. Whereas,** the applicant will operate the two storefronts with 9 interior tables and 38 interior seats, 1 existing stand up bar in the corner storefront with 4 seats and an additional 11 exterior tables at the sidewalk café for seasonal use with 25 seats; and

**D. Whereas,** the applicants initially told residents in the area and representatives from the two Block Associations in the area, the King and Charlton Street Block Associations within the Charlton-King-Vandam Historic District designated in 1966 by the New York City Landmarks Commission and also added to the National Registry of Historic Places in 1973, that they were entitled to and would be operating until 4 AM at this location seven nights a week but later backed down on those hours and presented closing hours of 1 AM and 2 AM before CB2, Man.; and

**E. Whereas,** the Vandam Street, King Street and Charlton Street Block Associations covering this area all appeared in opposition, as well as approximately 40 residents who live on or about the same block, immediately next door and above the proposed premises, as well as other living on other adjacent blocks while others wrote letters in opposition to the license application and a petition opposing the application with 317 signatures, voicing significant concerns about noise, music, late night operations and crowds on the sidewalk, the late night operation of the proposed sidewalk café, the multiple set of existing French doors and/or double doors that exist at each of the two storefronts on King Street and on Sixth Avenue that open out onto the sidewalk, the lack of soundproofing within the building, that the existing Mekong Restaurant (since 2006) closed by 11 PM every night but the new proposed establishment and operators had initially proposed a 4 AM closing time at the same premises, that there had never been an establishment at this location open past 11 PM, that the primary background and experience of the three applicants applying for the transfer license all relate to the operation of late night bars, hotel clubs or nightclubs and that each and every one of the 14 restaurants in the surrounding area all close by Midnight with no patrons remaining; and

**F. Whereas,** despite the significant opposition to the application from local residents living in the area, the applicants did not bring up, proffer or present at CB2 Man.'s June/2015 SLA meeting their intention to change or alter the existing corner entrance and to create a new front entrance to the restaurant for all its patrons entering and exiting at the King Street Storefront; and

**G. Whereas,** at the June/2015 SLA meeting the applicant did agree to hours of operation that will be 8 AM to 12 AM Sunday through Wednesday and 8 AM to 1 AM Thursday through Saturday, that the sidewalk café will close by 10 PM Sunday through Wednesday and by 11 PM Thursday through Saturday, that all existing French doors and/or windows will be closed by 9 PM Sunday through Wednesday and by 10 PM Thursday through Saturday, that new or additional accordion or French doors that open out on to the sidewalk will not be installed in the future, that soundproofing will be installed, that music will be quiet background only inside the restaurant consisting of music from ipod/cd's; there will be no d.j.s, no promoted events, no private parties, no outdoor lines to enter the premises, no scheduled performances or cover fees, no velvet ropes and no movable barriers; and

**H. Whereas,** based on the discussions held with CB2 Man's SLA Committee with the applicants, their counsel and the approximately 40 local residents in attendance at its June/2015 meeting, the applicants were presented with a stipulations agreement from CB2 Man. which was to be incorporated in to their method of operation on their OP license with the SLA: and

**I. Whereas,** when CB2 Man. presented the stipulations agreement to the applicant and his counsel, the applicant balked at executing the stipulations agreement and insisted that it would require a new entrance for patrons on the King Street storefront; and

**J. Whereas,** because the applicants failed to bring up the new entrance at the June/2015 despite the significant opposition by residents on the block, including those directly above and directly to the east of the proposed new entrance, the applicant agreed to lay over and/or adjourn its application to the SLA so that it could return and represent its intention and proposed use of the new entrance at the more easterly King Street storefront at CB2 Man.'s July/2015 meeting; and

**K. Whereas,** the applicant reappeared before CB2 Man.'s SLA Committee for it July/2015 meeting relating to the use of the doorway in question and again there was significant opposition to the application at the meeting, reiterating it prior concerns about exterior noise emitting from patrons on the sidewalk but also specifically objecting to the use of the doorway in question: and

**L. Whereas,** residents living in the area since the early 1960s explained that before there was a restaurant at the premises, the premises was operated as a grocery store used primarily by people living in the immediate area, that in the 1990s the premises was changed over to a restaurant in the 1990s known at Le Pescadou and this restaurant, as well as the Mekong restaurant closed by 11 PM every night, that the doorway in question had never been used by the prior operators as an entrance for patrons because of its close proximity to its residential neighbors above or immediately next door in an easterly direction on King Street; and

**M. Whereas,** residents in opposition to the application whose bedroom windows were immediately adjacent to the newly proposed entrance or within 10-15 feet reappeared and spoke of the significant change in a quality of life and an significant increase in noise coming from the proposed new entrance with patrons smoking, talking and hanging out on the sidewalk directly below and adjacent to their residential windows; and

**N. Whereas,** while the doorway in question is currently used by the Mekong Restaurant as a service entrance, it is also used by all the residents in the 23-unit building for the temporary storage of their trash, there being no other designated location for this purpose other than this particular area of the building, and there being a long storage locker adjacent to the entrance built for the sole purpose of covering the trash receptacles within; and

**O. Whereas**, when the applicant was questioned about the proposed use of the doorway also being used by the residents of the building for their trash there was no coherent response or demonstration of any outreach on the issue other than to say that they would work it out with the landlord at some point in the future and that the tenant's trash could be left in the basement areas of the building exclusively operated by the existing restaurant, a suggestion which would require the residents to bring their trash down a steep, exterior staircase leading down into the basement premises that was not safe to the residents, was burdensome to the residents and it was clear the residents of the building were not properly consulted about this proposed change. No hand railing could be identified in photos presented by the applicant down the exterior stairs and it was not demonstrated to be up to existing building codes to accommodate the proposed change in use, the basement was not as easily accessible as the existing location for trash on the sidewalk level adjacent to the premises; and

**P. Whereas**, after the meeting the where there was significant opposition to their request for a second patron entrance, the applicants agreed to back off from their proposal to add the above-referenced entrance and ultimately agreed to only use the existing corner entrance at the corner of Sixth Avenue and King Street consistent with Mekong's existing method of operation; and

**Q. Whereas**, based on the discussions held with CB2 Man's SLA Committee with the applicant, his counsel and the approximately 40 local residents in attendance at its June/2015 meeting and another 15 local residents in attendance at its July/2015 meeting, the applicants were presented with a stipulations agreement from CB2 Man. which they have agreed will be incorporated in to their method of operation on their OP license with the SLA and those stipulations are as follows:

1. The hours of operation will be from 8 AM to 12 AM Sunday through Wednesday and 8 AM to 1 AM Thursday through Saturday.
2. The sidewalk café will close by 10 PM Sunday through Wednesday and by 11 PM Thursday through Saturday.
3. No new French or accordion style doors will be installed at the premises and the applicant will close all existing exterior doors or windows by 9 PM Sunday through Wednesday and by 11 PM Thursday through Saturday.
4. Soundproofing as specifically proposed and identified in this resolution will be installed.
5. Music will be quiet, background level inside the restaurant and there will be no live music, no dancing, dj's, promoted events, no outdoor lines into the establishment, scheduled performances or any events for which a cover fee is charged
6. There will be no televisions and the premises will not operate as a Bar, Cocktail Lounge, Tavern or Sports Bar.
7. There will be no patron use of the basement.
8. **Will utilize only the one primary and the existing entrance/exit for patrons at the corner of King and Sixth Avenue.**
9. Will provide a contact person who actively manages/operates the premises and phone number with the local Block Associations for future reference.

**S. Whereas**, there are 13 existing licensed premises (including beer/wine) within a 500 ft. area;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant Beer/Wine License for **S.O. Farms Hospitality Group LLC d/b/a Queens Way, 16-18 King St. 10014** **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" on the SLA Restaurant On Premise License.

Vote: Unanimous, with 38 Board members in favor.

**4. Viejo Group, LLC d/b/a Bourgeois Pig, 127 MacDougal St. 10012** (upgrade to OP license)

**A. Whereas**, the applicant appeared before CB2's SLA committee; and

**B. Whereas**, this was the third appearance before CB2, Man. regarding the same premises by the Licensee, the Viejo Group, LLC, the first appearance occurring in June 2014 to present an application to upgrade the existing tavern wine license to an on-premise liquor license at which time CB2, Man. recommended to deny the upgrade, the second appearance seeking a corporate transfer of the existing tavern wine license (#1220699, exp. 5/31/2017) in August/2015 which again resulted in denial recommendation from CB2, Man.; and,

**C. Whereas**, in the current application, the applicant is again seeking to upgrade its license to a full on premise license on the first floor and basement premises within a landmarked 2.5-story Federal Style townhouse (circa 1828) building on MacDougal Street between West 3<sup>rd</sup> Street and Washington Square; and

**D. Whereas**, the total licensed premises is 1,200 s.f. (ground floor 700 s.f. and basement 500 s.f.) with one bathroom only and the premises does not have a full service kitchen; and

**E. Whereas**, the two-story premises has never operated as a full service bar with a full on premise license and is located in a neighborhood already significantly saturated with liquor licenses and late night bars; and

**F. Whereas**, since 2006 the two-story premises has been operated as the "Tea Spot" but thereafter sought and obtained the existing Tavern Wine license in 2009 and thereafter changed their name and operated as the "Wine Spot" in the basement of the premises at night while continuing to operate the Tea Spot on the first floor; the application for the Tavern Wine License was not presented before CB2, Man. at the inception of the license and prior to 2009 there had never been any license to sell alcohol at these premises; and

**G. Whereas**, when the applicant sought a corporate change to its existing license in August/2015 before CB2 Man. the applicant stated he operated a French Fondue Restaurant from 5PM to 4AM seven days a week on both floors, and wanted to add a second stand up bar in the basement of the premises and when confronted about his plan to close at 4AM seven days a week the applicant refused to reduce those hours or discuss other stipulations and stated that he had operated many other locations until 4AM in other parts of NYC and was unmoved at the valid concerns raised, even though the current principal who has operated the Tea Spot and Wine Spot never operated until 4 am and was closed at midnight many if not most nights of the week prior to closing the premises in July 2014; and

**H. Whereas**, the premises is located in a neighborhood already significantly saturated with liquor licenses and late night bars and there are currently 39 existing on premise liquor licenses within 500 feet of the subject premises (not including beer and wine licenses), 14 of which are on the block directly to the South, the immediate area is a focal point of quality of life and traffic issues directly related to eating and drinking establishments and the service of alcohol and there is no public interest for adding yet another On Premise license and Bar in a historic landmarked building with no compelling reasons; and

**I. Whereas**, the applicant failed to provide any documentation regarding his past history of operating eating and drinking establishments in NYC even though this is specifically requested in CB2's SLA Licensing Questionnaire and therefore CB2 was unable to properly review the applicants other licensed premises prior to the applicants appearance; and

**J. Whereas**, there has been no community outreach by the applicant to the surrounding community as has been repeatedly requested by CB2 in its application packet to all prospective licensees and when the same applicant appeared before CB2 Man. on each of its three appearances over the past year;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** for **Viejo Group, LLC, d/b/a Bourgeois Pig, 127 MacDougal St. 10012** on its application for seeking an upgrade from tavern wine to full on premises license; and,

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. requests that the SLA conduct a 500 foot hearing because there has never been a full on premise liquor license at these premises at any point in the past; and

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. respectfully requests that Liquor Authority place this matter before the Full Board of the New York State Liquor Authority for consideration at a regularly scheduled meeting should this application be presented to the Liquor Authority so that members of the community have an opportunity to voice their specific concerns and address the matter directly.

Vote: Unanimous, with 38 Board members in favor.

**5. Supernatural Wine, Inc. & Supernatural Wines NY, LLC d/b/a La Compagnies des Vins Surnaturels, 247-249 Centre St. 10013 (upgrade)** (Upgrade to OP license).

**A. Whereas**, the applicant appeared before CB2, Manhattan's SLA Licensing Committee seeking to upgrade from an existing tavern wine to full on premise liquor license to operate a French restaurant, bar and lounge in the ground floor of a seven-story mixed-use building (Circa 1900) on Centre Street between Grand and Broome Streets; and

**B. Whereas**, the premises has been operating as a wine bar and lounge since 2013 with hours of operation between 5 PM and 1 AM Sunday through Wednesday and from 5 PM to 2 AM Thursday through Saturday, and before operating as a wine bar in 2013 the premises were occupied and operated for many years as a graphic design company but not for eating and drinking; and

**C. Whereas**, the current premises are located in a 2,335 SF space (1,453 s.f. ground floor and 882 s.f. basement), has 2 tables with 10 seats, couches and lounge seating for an additional 33 seats, 1 large Bar with 15 bar stools for a total seating occupancy of 58, there are hotplates and small electric oven but there is no full service kitchen, two bathrooms and one entrance/exit for patrons, no sidewalk café or outdoor space; and

**D. Whereas**, the proposed hours of operation are from 10 AM to 1 AM on Sundays, from 11 AM to 1 AM Monday through Wednesday, from 11 AM to 2 AM Thursdays and Fridays and from 10 AM to 2 AM on Saturdays, there are not TVs and music is background consisting of music from ipod/cd's; and

**E. Whereas,** the current operator failed to provide any verified outreach to the residents living in the immediate area, no one appeared in support of the upgrade and two appeared in opposition citing the large number of existing bars and lounges in the area, the concern that the premises would not be operated as a restaurant as the current operator claims and the lack of any valid public interest in adding yet another on premise license to an already saturated area with an existing 27 on premise licenses (not including beer and wine or other pending license applications) within 500 ft. on this particular location; and

**F. Whereas,** the applicant's public interest statement included a limited food menu of salads, cold dishes and soups but a significant menu for the consumption of alcohol, wine and champagne, there is no full service kitchen at the premises in order to support a food-driven restaurant as proposed, and its layout includes a large stand up bar with 15 seats, two tables surrounded by bar stools not designed for eating, and an extensive lounge seating arrangement with couches inconsistent with a food-driven restaurant; and

**G. Whereas,** there are already seven licensed lounge type establishments within 500 ft. of the premises and there is nothing which distinguishes the instant application from the other bars and lounges in proximity to the location;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial for **Supernatural Wine, Inc. & Supernatural Wines NY, LLC d/b/a La Compagnies des Vins Surnaturels, 247-249 Centre St. 10013** on its application for seeking an upgrade from tavern wine to full on premises license; and,

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. requests that the SLA conduct a 500-foot hearing because there has never been a full on premise liquor license at these premises at any point in the past; and

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. respectfully requests that Liquor Authority place this matter before the Full Board of the New York State Liquor Authority for consideration at a regularly scheduled meeting should this application be presented to the Liquor Authority so that members of the community have an opportunity to voice their specific concerns and address the matter directly.

Vote: Passed, with 37 Board members in favor, and 1 in opposition (K. Shea).

**6. Sugar Beets, Inc., d/b/a Maman, 239 Centre St. 10013** (New OP license, previously unlicensed location).

**A. Whereas,** the applicant appeared before CB2, Manhattan's SLA Licensing Committee for a new on premise liquor license to operate a full service French Bakery Cafe serving breakfast, lunch, brunch on the weekends and light dinner fare within a five-story mixed-use building (Circa 1900) on Centre Street between Grand and Broome Streets; and

**B. Whereas,** the premises was previously operated as a poster shop, has never been licensed for the service of alcohol and has been operating as a French Café and Bakery for 10 months as Maman, is located in a 1,400 SF ground floor space with 4 tables and 19 seats, 1 food service counter with no seats or barstools with 4 additional counter/window seats for a total seating occupancy of 23, a full service kitchen, one bathroom and one entrance/exit for patrons, no sidewalk café or outdoor space; and

**C. Whereas**, the hours of operation will be from 7 AM to 11 PM every day/night seven days a week but the service of alcohol will be limited to brunch on the weekends from 12 PM to 5 PM and to private parties (defined as a full buy out of the premises when it will not be open to the general public, and at which food will be served), all doors and windows will be closed by 9 PM every evening except for patron egress, music will be quiet background consisting of music from ipod/cd's; there will be no d.j.s, no promoted events, no scheduled performances or cover fees, no velvet ropes and no movable barriers; and

**D. Whereas**, the applicant performed outreach with his immediate neighbors and a large residential condominium (Police Building) located directly across the street and obtained signatures and support letter from the residential owners and the building's Manager, produced a public interest statement which distinguished itself from other eating and drinking establishments in the area, including 27 other licensed locations within 500 ft. of the premises and further proposed and agreed to limit his operations so as to not greatly affect the quiet enjoyment of surrounding residential neighbors, to infringe upon and/or change the quality of life of neighbors by adding the service of alcohol to the existing business method of operation; and

**E. Whereas**, the applicant executed a stipulations agreement with CB#2 Man. that they agreed would be attached and incorporated in to their method of operation on their On Premise restaurant license and those stipulations are as follows:

1. The premises will be advertised and operated as a French Bakery and Café with a full service kitchen.
2. The hours of operation will be from 7 AM to 11 PM every day/night seven days a week but the service of alcohol will be limited to brunch on the weekends from 12 PM to 5 PM and to private parties defined as a full buy out of the premises when it will not be open to the general public, a limited occupancy of 35 and at which food will be served; and the service of alcohol will not occur at any other time.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. There will be no stand up bar.
6. The premises will not permit dancing.
7. The premises will play quiet ambient, recorded background music only.
8. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The Premises will close all doors and windows at 9PM every night and anytime there is amplified music.
10. The operator will not install French doors or windows that open out to the sidewalk.
11. Will not permit wait lines to form on sidewalk, no velvet ropes, no movable barriers and will not operate sidewalk café.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a Restaurant On Premise Liquor License for **Sugar Beets, Inc., d/b/a Maman, 239 Centre St. 10013** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on its Restaurant On Premise Liquor License.

Vote: Unanimous, with 38 Board members in favor.

**THE FOLLOWING ARE RESOLUTIONS FOR ALL APPLICANTS THAT WERE LAID OVER, WITHDRAWN, OR DID NOT APPEAR BEFORE THEIR REQUESTED HEARING:**

7. **York Food Corp., d/b/a Falucka, 162 Bleecker St. 10012** (Renewal application to existing OP license)

**A. Whereas**, at the request of CB2 Man., the principal/applicant appeared before CB2 prior to his renewal application on June 11<sup>th</sup>, 2015 and thereafter, at the meeting, requested to layover and adjourn his renewal application to July/2015 so that he could consult with his attorney and so that he could be more prepared to respond to the inquiries made at the June 11<sup>th</sup> meeting regarding the operator's prior applications to the SLA, certain violations regarding the use of tobacco products within the premises, an insufficient ventilation system within the premises, causing a constructive eviction of a tenant living above the premises from toxic levels of CO2 within the residential apartment and toxic levels within the establishment itself resulting in the NYC Dept. of Health issuing violations against the establishment and in violating its existing/stated method of operation with the SLA to operate as Restaurant when in fact the premises does not have a full service kitchen and has been operating for years as a Houka Bar until 4 AM daily; and,

**B. Whereas**, the principal/applicant reappeared before CB2 Man. on July 13, 2015 and again asked for more time and to layover and adjourn his renewal application so that he could file an alteration application with the SLA in an attempt to modify its method of operation to conform with the rules and laws promulgated to govern liquor licenses in the State of New York; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any Beer and Wine or On Premise license to **York Food Corp., d/b/a Falucka, 162 Bleecker St. 10012**, until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Passed, with 34 Board members in favor, and 4 recusals (C. Booth, T. Cude, L. Rakoff, S. Tyree).

8. **219 Mulberry LLC, d/b/a Ruby's, 219 Mulberry St. 10012** (RW, withdrawn)

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on July 13, 2015, the principal/applicant requested **to withdraw** this application from consideration and did not appear before CB2 regarding its application; and,

**Whereas**, this application is for a Beer Wine license;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any proposed Beer and Wine or On Premise license to **219 Mulberry LLC, d/b/a Ruby's, 219 Mulberry St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**9. SoHo Hotel Owner LLC, 138 Lafayette 10012** (Alteration to existing license, laid over at request of applicant and attorney)

**Whereas**, at this month's CB2 SLA Licensing Committee meeting on July 13<sup>th</sup>, 2015 the principal/applicant requested to layover and adjourn this application to August/2015 and did not appear before CB2 regarding its application; and,

**Whereas**, this application is for an alteration to its existing Beer Wine/On Premise license;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any Beer and Wine or On Premise license to **SoHo Hotel Owner LLC, 138 Lafayette 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**10. 22 Howard Street F&B LLC, d/b/a Smile To Go, 22 Howard St. 10013** (RW withdrawn at request of applicant, previously unlicensed location)

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on July 13<sup>th</sup>, 2015, the principal/applicant requested to withdraw this application from consideration and did not appear before CB2 regarding its application; and,

**Whereas**, this application is for a new Beer and Wine license in a previously unlicensed location;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any proposed Beer and Wine or On Premise license to **22 Howard Street F&B LLC, d/b/a Smile To Go, 22 Howard St. 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**11. UBC, LLC, 203 Mott St. Store #1 10012 (laid over)**

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on July 13<sup>th</sup>, 2015 the principal/applicant requested to layover this application from consideration and did not appear before CB2 regarding its application; and,

**Whereas**, this application is for a Beer/Wine license;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any Beer and Wine or On Premise license to **UBC, LLC, 203 Mott St. Store #1 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**12. Greek Natural Foods, d/b/a Greecologies, 379 Broome St. 10013 (New Beer & Wine – Request to Adjourn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 13<sup>th</sup>, 2015, the Applicant's attorney requested **to layover and adjourn** this application for a new beer & wine license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Greek Natural Foods, d/b/a Greecologies, 379 Broome St. 10013** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**13. LYH Hospitality LLC, d/b/a Da Marcella, 142 W. Houston St. 10012 (Layover at meeting)**

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on June 9<sup>th</sup>, 2015, the Applicant and the Applicant's attorney agreed to **layover** this application for a new restaurant wine license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed in order to perform additional community outreach to the local community groups with whom inadequate communications had transpired;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **LYH Hospitality LLC, d/b/a Da Marcella, 142 W. Houston St. 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**14. Dragonfly Soul, Inc., 140 W. 4<sup>th</sup> St. 10012 (withdrawn by applicant)**

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on July 13<sup>th</sup>, 2015 the principal/applicant requested to withdraw this application from consideration and did not appear before CB2 regarding its application; and,

**Whereas**, this application is for an On Premise license;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any Beer and Wine or On Premise license to **Dragonfly Soul, Inc., 140 W. 4<sup>th</sup> St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**15. NYCPF, Inc., d/b/a Pommes Frites, 128 MacDougal St. 10012** (Beer Wine license, laid over at request of applicant and attorney)

**Whereas**, after this month's CB2 SLA Licensing Committee meeting on July 13<sup>th</sup>, 2015 the principal/applicant requested **to layover and adjourn** this application to August/2015 and did not appear before CB2 regarding its application; and,

**Whereas**, this application is for an alteration to its existing Beer Wine/On Premise license;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any Beer and Wine or On Premise license to **NYCPF, Inc., d/b/a Pommes Frites, 128 MacDougal St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**16. Mookambika Group, Inc., d/b/a Masala Times, 194 Bleecker St. 10012** (laid over at request of attorney)

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on July 13<sup>th</sup>, 2015 the principal/applicant requested to layover this application from consideration and did not appear before CB2 regarding its application; and,

**Whereas**, this application is for a Beer/Wine license;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any Beer and Wine or On Premise license to **Mookambika Group, Inc., d/b/a Masala Times, 194 Bleecker St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**17. 496 LaGuardia Restaurant, Inc., d/b/a Mocha Burger, 496 La Guardia Pl. 10012 (New OP – Withdrawn)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on July 13<sup>th</sup>, 2015, the Applicant’s attorney requested to **withdraw** this application for a new on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **496 LaGuardia Restaurant, Inc., d/b/a Mocha Burger, 496 La Guardia Pl. 10012** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**18. JKS Hospitality, LLC, 138-140 W. Houston St. 10012 (New OP – Withdrawn)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on July 13<sup>th</sup>, 2015, the Applicant’s attorney requested to **withdraw** this application for a new on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **JKS Hospitality LLC, 138-140 W. Houston St. 10012** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**19. Nix LLC, 72 University Pl. 10003 (transfer) (laid over)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on July 13<sup>th</sup>, 2015, the Applicant’s attorney requested to **layover and adjourn** this application for a new on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Nix LLC, 72 University Pl. 10003** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**20. Sapori D Italia, LLC, d/b/a Same, 105 Mulberry St. 10013 (New OP - Withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 13<sup>th</sup>, 2015, the Applicant's attorney requested to **withdraw** this application for a new on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Sapori D Italia, LLC, d/b/a Same, 105 Mulberry St. 10013** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**21. Moe Larry Cheese, LLC, 138 Lafayette St. 10012 (New OP- laid over)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 13<sup>th</sup>, 2015, the Applicant's attorney requested to **layover and adjourn** this application for a new on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Moe Larry Cheese, LLC, 138 Lafayette St. 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**22. FiftyOne Merchants LLC, d/b/a Via Carota, 49 Grove St. Store 1, 2 & 3 (Restaurant OP SN1275555 Alteration to add new Store 4)**

- 1. Whereas**, the Licensee and her Attorney appeared before CB2's SLA Licensing committee to present an alteration application for an existing restaurant on-premise liquor license to add new space within the same building and an additional standup bar in the new space with 8 standees and 2 tables with 4 seats with a separate patron entrance/exit with no patron access to the existing space; the current restaurant operates 3 of the 4 original "storefronts" in the building and is now adding the 4<sup>th</sup> "storefront"; the restaurant operates as a "neighborhood restaurant focusing on lunch and dinner"; and,
- 2. Whereas**, the Licensee is a well know Chef who has had several restaurants within CB2, Man. and originally appeared to present the application for this premises in October/2013, the restaurant has been operating for approximately 8 months opening in December/2014; and,
- 3. Whereas**, the existing location is located in a mixed-use commercial/residential building on Grove St. between Bleecker St. and 7th Avenue South on the ground floor and cellar and is a 1,892 sq. ft. premise (1,400 sq. ft. for patron use on ground floor and 492 sq. ft. in cellar – no patron use) with 17 tables and 55 seats and 1 stand up bar with 10 seats for a total of 65 interior seats, the current space also includes a sidewalk café with 8 tables and 16 seats, there is no Certificate of Occupancy for this location, but there seems to be an existing Letter of No Objection for this location for a non-place of assembly establishment with less than 75 persons occupancy that was issued to a previously licensed entity; and,
- 4. Whereas**, the existing hours of operation are Sunday from 12 pm to 12 am and Monday to Saturday from 12 pm to 2 am, music is quiet background only, there are no d.j.'s, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, no televisions, there are 6 existing French doors which are closed by 10 pm each night; and,
- 5. Whereas**, the applicants performed community outreach and a letter in support was received from the local Block Association; and,
- 6. Whereas**, for clarification, the existing restaurant currently occupies "storefronts" 1, 2 & 3 which were previously combined to create the current restaurant, the Licensee seeks to add the 4<sup>th</sup> "storefront" which has until recently operated as a jewelry/antique store; the Licensee intends to build a connection between "Storefronts" 1, 2 & 3 and the new space "storefront" 4 by building a hallway in an existing shaft way by enlarging existing windows into doors; the connection between the spaces will be used only for back of house and restaurant employees only in order to connect the kitchen; patrons will not be able to use the interior connection between "storefronts" 1, 2 & 3 and the new "storefront" 4;
- 7. Whereas**, from the explanation provided by the Applicant's Attorney, this plan has been "preapproved" by the Liquor Authority in that the Liquor Authority will consider this as an expansion of the existing licensed premises even though patrons will enter the existing space and new space through separate entrances and will not be able to cross between the two without going onto the public sidewalk and walking down the street; and it appears from the presentation by the Applicant's Attorney that the NYC Department of Buildings will consider this as two separate spaces; however if as presented to the Liquor Authority this is one place of business, the occupancy of both spaces combined will well exceed 74 persons (the threshold for a Place of Assembly Permit) especially as standees in bar area of the popular establishment are included; this circumstance would therefore necessitate possibly a new Certificate of Occupancy and a Place of Assembly permit but CB2's Questionnaire indicated that there was no intention to file for either; the questionnaire indicates the proposed occupancy is already permitted but that does not seem to be the case if they are the same premises as presented to the Liquor Authority; and,

**8. Whereas**, while there is recognition that the applicant is a well respected restaurateur there were significant concerns with the details of this application and the explanations provided which did not really address that in addition to an additional bar and standing area for 8 people there are only 2 tables and 4 seats: **(1)** the new space is a separate space for patrons with no connection to the existing space and therefore should be treated as a new licensed premises going into a previously unlicensed location and subject to the same standards as outlined in the 500 ft. rule, **(2)** the new space has a standup bar with 2 tables and 4 seats, the plans indicate that there is additional occupancy for 8 standees and 1 bartender, as a result only 1/3 of the space would be available for dining patrons and the rest would be for standees drinking at the bar, **(3)** plans indicate that in addition to the 8 outdoor tables and 16 seats in the existing sidewalk café, there would be two additional benches in front of the new locations, **(4)** the primary explanation for the reasoning of adding the new area alternated between a “holding” area for waiting patrons as the existing space was experiencing over crowding at peak times due to their popularity, as a separate smaller dining area for people who might want to eat in the smaller space, to a space where people might have smaller dishes even though a full menu from the existing restaurant would be available, that the new space would serve as a storage area for alcohol, but it was never adequately addressed how 4 additional seats would provide much benefit if any in addition to the space for standees at the bar, **(5)** there were concerns that the new space would not alleviate any crowding in the existing space as there would just be more space for patrons to wait and drink or just drink and necessitated movement back and forth between the two separate entrances **(6)** depending on the explanation, it seems apparently that there would be a steady stream of patrons walking between the entry door for the new space and the entry door of the currently licensed space which also has a sidewalk café obstructing at least ½ sidewalk adding to noise in the area of patrons moving back and forth **(7)** the new space would have the same operating hours as the existing space until 2 am 6 days a week, well into the hours of operation that have a significant impact on quality of life **(8)** CB2 has had a number of poor experiences with this style of expansion or “separate” space and for the most part these areas become separately branded boutique drinking establishments under the name of the primary business with a variation or as a completely separate name, those establishments unlike this one have patron access between the areas on the interior of the premises in addition to separate entrances, often times these “separate areas” also maintain different hours of operation highlighting the separate and distinguishing nature of the spaces; and,

**9. Whereas**, if patron access to the new space were through the existing restaurant by opening a wall or additional interior door and not through a separate door with no interior passage for patrons and if there were some material change in the application, CB2 would like to weigh in with a new recommendation on the alteration application, but CB2 was told this was not a possibility; and,

**10. Whereas**, the Applicant was unyielding in the proposed method of operation of the new space; and

**11. Whereas**, there are 34 licensed on-premises liquor licenses within 500 ft. of this location;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the “alteration” application to add a new standup bar and additional space for **Fifty One Merchants LLC d/b/a Via Carota, 49-51 Grove St. 10014 SN1275555**; and,

**THEREFORE BE IT FURTHER RESOLVED** that should this Applicant proceed with this application to the Liquor Authority as proposed above, CB2, Man. respectfully requests that the item be placed on the Agenda of a regularly scheduled Liquor Authority Full Board meeting with advance notice to CB2 for an opportunity for public comment prior to the Members of the Authority deciding on the Application; and,

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. respectfully requests should there be deviations from the proposal as described above, that the Licensing Division of the Liquor Authority send this item back to CB2 so that the Licensee can present the actual application that will be presented to the Liquor Authority and CB2 can appropriately provide a recommendation on an application that will actually be considered by the Liquor Authority.

Vote: Unanimous, with 38 Board members in favor.

**23. Whynot My Way, LLC, d/b/a Whynot Bistro, 14 Christopher St. 10011 (TW Renewal SN#1272603)**

**1. Whereas**, the Principal, Emil Stefkov, and his Attorney appeared before CB2's SLA Licensing committee to present a renewal application for their current Tavern Wine license SN#1272603 at the request of members of the community based on complaints regarding the Licensees operation of his establishment and complete disregard of immediate residential neighbors and the issuance of numerous violations; and,

**2. Whereas**, the establishment is located in a residentially zoned landmarked historic neighborhood in a grandfathered commercial establishment located on the corner of Gay St. and Christopher St.; and,

**3. Whereas**, in July 2013, **when this Licensee first appeared before CB2 with an application for a Restaurant Wine License for a Coffee Shop, CB2 recommended denial of the application for the detailed reasons set forth in the July/2013 CB2 Resolution**; [in July/2013 the proposed operation was only for a coffee shop located on the ground floor with 36 seats (and a sidewalk café with 8 seats which was not permitted because of the residential zoning of the area) with hours of operation from 6 AM to 1 AM 7 days a week, background music from vinyl records and live light jazz and classical trios (un amplified) once or twice a week]; reasons for denial were specific and for cause and there was a recommendation that the applicant return to CB2; and,

**4. Whereas**, after appearing before CB2 in July/2013 and having received notice of CB2's recommendation to deny the application, the Licensee mailed, after the fact, 2 additional alterations and completed CB2 Questionnaires in late July and in August to CB2, but did not return to present those changes to CB2 or request to return – the amendments were to remove the sidewalk café from the application and to add another floor, the basement space, to the premises with an additional 10 tables, 10 couches and 2 chairs for a total of 26 seats in the basement and two additional bathrooms in the basement; This almost doubled the patron capacity of the premises while adding live music in the evening hours and creating a much more significant impact on the surrounding area which is zoned for residential uses only and has very narrow streets; and,

**5. Whereas**, the Liquor Authority subsequently approved a Tavern Wine License (not a Restaurant Wine License that was presented to CB2); and,

**6. Whereas**, in November 2014, the Licensee appeared before CB2, Man. and presented two subsequent applications, **(1)** an alteration application to alter the premises and method of operation and **(2)** an upgrade application to full on-premise liquor; CB2 recommended denial to both applications, from CB2's understanding, the alteration application is still pending and the upgrade application was withdrawn; and,

**7. Whereas,** Whynot Bistro originally opened in May of 2013 and even prior to applying for and receiving a Tavern Wine license, immediate residential neighbors were beginning to complain and those complaints even appeared in the July/2013 resolution to the Liquor Authority for the initial application, the complaints continued and more detailed complaints appeared in the two November 2014 resolutions to the Liquor Authority; and,

**8. Whereas,** the Licensee has received five (5) ECB Violations from the New York City Department of Sanitation in 2015 for obstructing the sidewalk with illegal benches; 6 Benches have been regularly placed on the sidewalk over two years bordering the entire Gay St. Façade with seating for up to 17 people – 2 benches with 4 seats, 2 benches with three seats, 1 bench with 2 seats and 1 bench with 1 seat; and

**9. Whereas,** the Licensee has received five (5) New York City Landmarks Preservation Commission Violations, 3 in 2014 and 2 in 2015 for violating “Replacement of storefront at Gay Street facade without permit(s).”, “Installation of awnings at Gay Street facade without permit(s).”, “Alterations of 1st floor windows at Gay Street facade without permit(s).”, “Installation of neon signage ("Jazz Club") and signage at entrance Jazz Room without permit(s).” and “Installation of menu box without permit(s).” and

**10. Whereas,** there are records of at least 41 311 calls regarding commercial establishment loud noise/party/loud talking at 14 Christopher St., many of which are noted that the NYPD took action to correct the situation; and

**11. Whereas,** in July/2015 the President of the Christopher Street East Block Association, which had supported the initial application of the Licensee, wrote to CB2 to express strong opposition to the renewal application; he stated that he had received over 30 phone calls with complaints regarding the noise and music that emanates from the Whynot Jazz Club in the basement and the noise from patrons outside between sets who smoke and talk loudly, he can personally hear in his third floor apartment across the street music every time the door opens in the basement, often even with the windows closed; he approached the Principal Emil Stefkov who told him he would deal with the problems and not allow anything to interfere with the relationship with the community, at first he responded, then the problems resumed again; since October/2014 six (6) messages were left for Mr. Stefkov to address these problems with the Christopher East Block Association and there was no response until the week before this CB2 SLA Licensing meeting after it was brought to the attention of Mr. Stefkov’s Attorney; The Christopher Street East Block Association who initially supported this Licensee states that “Given their record of not honoring their commitment to us and their refusal to even talk to us until three days before the meeting; we ask that your committee recommends to the SLA that they deny the request for renewal”; and,

**12. Whereas,** in July 2015, in addition to correspondence in opposition, 7 local residents all of whom live immediately adjacent or across the street from the Licensee and who are not members of the Christopher East Block Association appeared in opposition to the renewal application based on specific complaints which are **(1)** the Licensee has an utter disregard for his residential neighbors, **(2)** the Licensee illegally installed two operable 8 ft. tall windows on the Gay Street façade side of the establishment that remain completely open until midnight each night in nice weather and the establishment plays music and hosts live music with the two large windows open on a regular basis in the evenings and has even installed an electric organ on the ground floor, all of this noise infiltrates into many of the immediate adjacent residential apartments **(3)** contrary to previous filings with the SLA there is a separately branded Jazz Club, Whynot Jazz, with a separate outdoor entrance to the basement, operating 5-6 days a week with multiple “sets” in the basement and amplified music which can be heard outside the establishment, especially when the doors are open, the music sets last sometimes until up 2 AM, every time the doors open and close for ingress and egress late into the evening music spills out into the quiet residential

neighborhood, (4) As stated previously there are illegal benches outside the establishment along the entire façade with sometimes up to 7 benches with 19 seats, there are no other benches on Christopher Street in the immediate area and benches are not even allowed because of the small size of the sidewalk and the residential zoning (5) the question was raised that plans for the music venue in the basement were never discussed with the community or presented to local residents prior to opening the basement even though the Licensee presented the original plan to CB2 and therefore they were denied the opportunity to provide comment, (6) that the premises does not handle their trash properly (7) the Principal Emil Stefkov does not respond or even try to respond to complaints over time when they have been brought to his attention, in fact when issues regarding the windows being open late into the evening were brought to his attention he blamed his staff and took no corrective action, he takes no ownership for any problems and blames others, the management staff has treated residents rudely when they have sought relief from noise by simply alerting staff to extreme noise conditions or simply requests to close doors that are propped open (8) the general consensus was that the Principal just does whatever he wants despite whether the actions are legal or not, it was even pointed out that at his other OP licensed venue, OLIO, located around the corner on Greenwich Avenue, he routinely in the past illegally expanded his sidewalk café in the evenings to occupy the two storefronts on either side of the restaurant and took over the majority of the sidewalk well beyond the designated area and way beyond the legal numbers of seat and chairs and operated well past legal operating hours and it was only rectified after he started receiving violations from the Dept. of Consumer Affairs, (9) at closing, the establishment nosily removes the illegal sidewalk benches and rolls the trash to an alley way across the street and musicians and clientele often hangout outside after closing the jazz club; and,

**13. Whereas,** in July/2013 CB2, Man. in its initial resolution raised the issue of the illegal benches and told the Licensee they were not permitted, stated that the large operable windows installed by Whynot Bistro were illegally installed and that the windows should not be opened because they were not legal and that this was a residential neighborhood, CB2 wrote “It is inappropriate to have live music in an open air environment with large windows in a Residential District and it is unclear whether even if commercial use is allowed in this location if scheduled musical performances are allowed under zoning.” Mr. Stefkov also stated that “he could not close his windows before midnight because in order to close the windows he would need to move tables and chairs where customers would be sitting.” and

**14. Whereas,** at every stage of operation, Mr. Stefkov has chosen to flout laws, regulations and norms and chooses a course of action that only benefits himself and his business, to the extent that when he violates the law he does so in a such a manner that it is often beyond the pale and certainly cannot be overlooked (i.e. flagrantly violating Landmark regulations and maintaining 6 or 7 sidewalk benches even after repeatedly receiving violations and just simply paying the fines as a “cost of business”); and,

**15. Whereas,** the original application was a classic example of a bait and switch application, it was originally presented to CB2 as a 1-story coffee shop closing at 1AM latest with occasional light unamplified live jazz music and it is now a two story establishment that can stay open until 4 AM and the basement is now a jazz club with live performances and sets 5-6 days a week with loud amplified music (including late night) using a separate moniker identifying it as a separate space from the ground floor; CB2 and the Community have repeatedly been told that’s the way it is by the applicant, and at every turn this application has morphed in an unprofessional manner for a supposed neighborhood establishment extracting as much as possible and going far beyond until cited by enforcement agencies even though certain actions are blatantly illegal; and

**16. Whereas,** the Licensee was asked if he would adhere to the **(1)** The hours of operation originally presented to CB2: 6 AM to 1 AM, 7 days a week with no patrons remain after closing, **(2)** No amplified live music as originally presented to CB2, including no amplified guitars. Only small jazz and classical trios (3 members or smaller) – quiet playing - once or twice a week **(3)** No scheduled live music performances or cover charges as originally presented to CB2, **(4)** Windows and doors remain closed at all times as the existing operable windows were illegally installed and continue to be illegal **(5)** Additionally keep the kitchen door on Gay Street closed at all time **(6)** Remove all illegal outdoor benches.

**17. Whereas,** the Licensee did not agree to the request from CB2 above and wondered why he was being treated differently than other licensed premises and made some other offers which were rebuffed by CB2 with the simple statement to the Licensee that any future actions would speak louder than any promises he offered and that it was too little too late when he had had 2 years to take these steps but had actively chosen to ignore the issues and chosen not to take corrective actions; and,

**18. Whereas,** after the CB2 meeting, the Licensee emailed CB2, Man. and stated that he would only now have two (2) illegal outdoor benches (observed to seat 8 patrons) and that he would close the illegally installed operable windows at 10PM and that he would use only one entrance on the ground floor to the premises and discontinue use of the separate basement door, that he would place a sign asking people to keep noise down and that he would sure all garbage was sealed; and,

**19. Whereas,** CB2, Man. has been consistent and clear in its observations and requests to this Licensee over time and does not feel that any unreasonable requests have been made to the Licensee, especially simple requests such as asking that he comply with existing laws;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of the “renewal” application for the existing Tavern Wine License for SN#1272603, **Whynot My Way LLC, d/b/a Whynot Bistro, 14 Christopher St. 10011**; and,

**THEREFORE BE IT FURTHER RESOLVED** that should the Liquor Authority consider renewing this renewal application, CB2, Man. respectfully requests that the renewal application be placed on the next Agenda of the next regularly scheduled Liquor Authority Full Board meeting prior to the expiration of this License on 8/31/2015 with advance notice to CB2 for an opportunity for public comment prior to the Members of the Authority deciding on the renewal Application; and,

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. respectfully requests that if the Liquor Authority considers renewing the existing Tavern Wine License that it review and consider whether it would be appropriate to impose the following conditions on the existing restaurant wine license SN#1272603 (these match what was originally presented to CB2 Manhattan in July/2013 and take into consideration that the operable windows were installed illegally and the illegal nature of the sidewalk benches; CB2 would also consider these conditions an acceptable resolution to certain disciplinary charges if the license is renewed):

1. The originally presented to CB2 proposed hours of operation: 6 AM to 1 AM, 7 days a week. No patrons remain after closing.
2. No amplified live music as originally presented to CB2, including no amplified guitars. Only small jazz and classical trios (3 members or smaller) – quiet playing - once or twice a week.
3. No scheduled live music performances or cover charges as originally presented to CB2.

4. Windows and doors remain closed at all times as the existing operable windows were illegally installed and continue to be illegal. Additionally keep the kitchen door on Gay Street closed at all times
5. Remove all illegal outdoor benches.

Vote: Unanimous, with 38 Board members in favor.

#### **24. NYPiada, Inc. d/b/a Farina, 15 Eighth Ave. 10014**

**1. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new restaurant wine license for a previously unlicensed restaurant wine location for a small restaurant focused on serving Piadina sandwiches along with wine and cheese; and,

**2. Whereas**, this application is for a new restaurant wine license located in a 3 story + basement mixed-use building located on the ground floor and accessory storage basement on Eighth Avenue between West 12<sup>th</sup> St, and Jane St. for a roughly 1200 sq. ft. premise (700 sq. ft. ground floor and 500 sq. ft. accessory use only basement) with 5 tables and 10 seats and 1 wall counter with 9 stool seats for a total of 19 interior seats, there is no standup bar and there is 1 service bar, there are no outdoor areas for patrons, and no benches on the sidewalk, there is a pending Certificate of Occupancy which will show ground floor occupancy of 27; and,

**3. Whereas**, the hours of operation will be Sunday to Thursday from 11AM to 11PM and Friday to Saturday from 7:30AM to 11PM (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at all times except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no TV’s; and,

**4. Whereas**, the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant wine license stating that:

1. The premises will be advertised and operated as a small restaurant focused on serving Piadina sandwiches.
2. The hours of operation will be 7:30AM to 11PM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The Premises will not have French Doors, Operable Windows or open facades and all doors will be closed at all times except for patron ingress and egress.
10. This application is for a restaurant wine license only (not a tavern wine license).

11. The premises will not operate as a wine bar.
12. There will be no standup bar.
13. All music will be background only as described above.
14. The applicant will not change the façade or install operable windows.
15. There will not be a sidewalk café application.
16. The premises will not open until a new Certificate of Occupancy is issued by the New York City Buildings Department.
17. The applicant agrees to never apply to upgrade to a liquor license ever in the future.

**5. Whereas**, the Applicant reached out to local community groups and residents and hosted a meeting for them prior to CB2’s SLA Licensing Committee meeting; two members of the community spoke in support, including a representative of the Jane St. Block Association; and,

**6. Whereas**, there are currently approximately 18 On Premise Liquor Licenses within 500 ft of the premises and an unknown number of beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant Wine License for **NYPiada, Inc. d/b/a Farina, 15 Eighth Ave. 10014** **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” on the SLA Restaurant Wine License.

Vote: Unanimous, with 38 Board members in favor.

**25. J. Ignacio Lopez, on behalf of an entity to be determined, 27 Morton St. 10014 (current licensee reported address is 27 1/2 Morton St. aka 60 Bedford St. 10014) (RW Transfer)**

**1. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new restaurant wine license for a previously licensed restaurant wine location for upscale Spanish tapas restaurant & coffee shop; and,

**2. Whereas**, the premise is located on the ground floor of a 6 story mixed-use commercial/residential building located between 7<sup>th</sup> Ave. South and Bedford St. and occupies 1,598 sq. ft. (1055 sq. ft. on ground floor for patron use and 543 sq. ft. in the basement for non patron use) with a total of 15 tables and 30 seats and 1 standup bar with 6 seats for a total of 36 seats on the interior of the premise and there is a currently DCA licensed sidewalk café which will be assigned to the applicant which includes 6 tables and 12 seats in an outdoor sidewalk café area located entirely on 7<sup>th</sup> Ave. South, the sidewalk café hours will continue to be from 11AM to 11PM 7 days a week, there will be no patrons in the sidewalk café prior to 11AM or after 11PM, there is a letter of no objection issued by the NYC Department of Buildings for the interior 1<sup>st</sup> floor of the premise only; and,

**3. Whereas**, the hours of operation will be 8AM to 12AM 7 days a week (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 9PM and any time amplified music is played, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no TV’s; and,

**4. Whereas**, the Applicant executed a stipulations agreement with CB2 that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant wine license stating that:

1. The premises will be advertised and operated as an upscale Spanish tapas restaurant & coffee shop.
2. The hours of operation will be 8AM to 12AM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The Premises will close all doors and windows at 9PM every night and anytime there is amplified music except for patron ingress and egress.
10. Sidewalk Café hours will be from 11AM to 11PM 7 days a week. There will be no patrons in the sidewalk café prior to 11AM or after 11PM.
11. This application includes a DCA approved sidewalk café that will be applied to be assigned to the applicant from the current operator (6 tables and 12 seats).

**5. Whereas**, the Applicant performed limited community outreach, and local residents who sent emails to CB2, Man. did not indicate opposition to the application; and,

**6. Whereas**, there are currently approximately 20 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant Wine License via a “transfer” application for **J. Ignacio Lopez, on behalf of an entity to be determined, 27 Morton St. 10014** **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” on the SLA Restaurant Wine License.

Vote: Unanimous, with 38 Board members in favor.

**26. DBTG14 Ltd., d/b/a Dirty Bird To-Go, 204-208 W. 14th St. 10011 (New RW – Previously Unlicensed)**

**1. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new restaurant wine license in a previously unlicensed location for a restaurant serving “fast casual southern food including fried chicken and sides”; full service high end restaurant which will be a family friendly restaurant focusing on “seasonal, locally driven American food with a focus on the wood burning grill and oven”; and,

**2. Whereas,** the applicant has been operating in a portion of the proposed premises since 2006 with a food counter serving food primarily to go with no beer/wine license, this application also includes a new area acquired by taking over the business premises located in the same building to the West which was formerly a shoe repair business which will now be connected via new wall openings, the new space being added is approximately twice the size of the original premises, the new space being added will have a standup bar with seating and tables and chairs for patrons, a new stairway is also being added to connect the basement to the ground floor; and

**3. Whereas,** this application is for a new Restaurant Wine License only; the premises is in a mixed-use residential/commercial building and is located on the ground floor and basement (no patron use of basement) for a roughly 1,800 sq. ft. premise (1,200 sq. ft. ground floor and 600 sq. ft. cellar), with 7 tables and 14 seats, and one standup bar with 10 seats and 6 window counter seats for a total of 30 seats; this application does not include a sidewalk café application, if there is a sidewalk café in the future, the applicant will return to CB2, Man.; there are no other outdoor seating areas or backyard garden, there is an existing Certificate of Occupancy and all appropriate permits will be acquired to combine the two storefronts and add the staircase to the basement ; and,

**4. Whereas,** the hours of operation will be Sunday from 11:30AM to 12AM(Midnight), Monday to Thursday from 11AM to 12AM(Midnight), Friday from 11AM to 1AM and Saturday from 11:30AM to 1AM, all doors and windows will be closed at 9PM except for ingress and egress, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**5. Whereas,** the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant wine license stating that:

1. The premises will be advertised and operated as a fast casual southern food restaurant.
2. The hours of operation will be Sunday from 11:30AM to 12AM(Midnight), Monday to Thursday from 11AM to 12AM(Midnight), Friday from 11AM to 1AM and Saturday from 11:30AM to 1AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient, recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The Premises will not have French Doors, Operable Windows or open facades. All doors will be closed by 9PM every night.
10. This application is for a restaurant wine license only.
11. There will be no unlimited drink specials.
12. There will be no patron use of basement.
13. All patron ingress and egress will occur through the door directly across from the original food service counter. The previous shoe store space into which the current unlicensed premises is expanding will have emergency exit doors only (no patron ingress).

14. The applicant will not install operable façade doors or windows that open in the previous shoe store space into which the currently unlicensed premises is expanding.
15. The applicant will hire an acoustic sound engineer and will reconfigure the existing sound system so no noise issues remain for upstairs neighbor.
16. There will be no music at all before opening or after closing hours.
17. The applicant will provide contact information for manager to neighbors.

**6. Whereas,** the Applicant presented a petition with a 130 signatures, a few of the signatures were residents of 14<sup>th</sup> St, many from the area; and,

**7. Whereas,** a long time residential tenant of the building who was been in recent contact with CB2 regarding noise issues from the establishment appeared before the Committee; she described an ongoing noise and music problem which had existed for several years, she explained that she lived directly above Dirty Bird to Go, that the establishment had speakers mounted on the wall/ceiling directly below her apartment and she could hear music from early afternoon to well after the establishment closed and that employees turned the music up after they closed and were cleaning, that the loud salsa music was audible throughout the day and evening, she also indicated that the owner was not regularly on the premises and

definitely not later in the evenings and that the managerial staff were primarily young and inexperienced and unable to manage the music situation or communicate and handle the ongoing problem effectively, she also stated that the owner was uninterested in remedying the problem when the establishment and that with staff turnover the problem had only been exacerbated; and,

**8. Whereas,** concerns were expressed regarding the design of the new space to be added to the premises and licensed which is dominated by a large standup bar with 10 seats and there was a brief explanation that one of the design elements may be a fully retractable façade with window counter seating, it was pointed out that 1/3 of the seats in the premises would be bar seats; and,

**9. Whereas,** since October/2013 there have been 195 311 Commercial Noise complaints for Loud Music Party/Banging Pounding for this establishment, there have been 77 in 2015 alone, of the 195 Commercial Noise Complaints, 73 were marked “The Police Department responded to the complaint and took action to fix the condition.”; and,

**10. Whereas,** the owner stated that he did not believe there was a problem and that he had not received any violations, he stated that he was vaguely aware of the complaints but did not think there was a problem and he had not taken any steps to ameliorate the situation by moving the speakers or addressing the sound system in the existing space that has been operating for many years, he and his staff had not been into the apartment where the noise complaints are originating from, he stated he visited and/or was at the premises 3-5 days a week and that he would look into the situation and hire a sound engineer going forward; and,

**11. Whereas,** the owner also stated in response to concerns regarding the operable façade he had mentioned in the new space acquired from the former shoe repair store that he would not have an operable façade and that all entry exit into the newly acquired space would occur through the long existing primary entrance in the existing location; he also stated that the central focus would be on seated patrons eating food; and,

**12. Whereas,** the owner has another establishment located at 155 Chambers street with the same name located in a commercial building which has a very recently issued restaurant wine license (5/2015), but which does not have a standup bar; the applicant has limited experience running an establishment with a standup bar; and,

**13. Whereas,** CB2, Man. is very concerned regarding the current ongoing noise and music issues and does not believe that any license should be issued or even contemplated until this issue is addressed in a competent and expedient manner; there was tremendous concern with the Owner's disinterest in immediately addressing these issues; the expansion of this business and the addition of a standup bar only serves to exacerbate this issue and it should be addressed immediately; and,

**14. Whereas,** there are currently approximately 16 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends to deny a new Restaurant Wine License for **DBTG14 Ltd., d/b/a Dirty Bird To-Go, 204-208 W. 14th St. 10011**; and,

**THEREFORE BE IT FURTHER RESOLVED** that should this Applicant proceed with this application to the Liquor Authority, CB2, Manhattan respectfully requests that the item be placed on the Agenda of a regularly scheduled Liquor Authority Full Board meeting with advance notice to CB2, Man. for an opportunity for public comment prior to the Members of the Authority deciding on the Application; and,

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. respectfully requests should the Members of the Authority conclude that the Applicant has sufficiently addressed any ongoing noise and music issues as described above, that any Restaurant Wine License issued include the Stipulations agreed to by the Applicant as described in 5<sup>th</sup> Whereas Clause above.

Vote: Unanimous, with 38 Board members in favor.

**27. Hudson Gastro Pub LLC, d/b/a The Hudson Division, 581 Hudson St. 10014 (Restaurant OP - transfer)**

**1. Whereas,** the Applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a new restaurant on-premise liquor license via a "transfer" application for a full service neighborhood restaurant with American cuisine; and

**2. Whereas,** this application is for a new restaurant on-premise liquor license via a "transfer" application for a currently licensed location in a mixed-use building located on Hudson St. on the Southwest corner of Bank St. for a roughly 1,000 sq. ft. premise with 14 tables and 28 seats and 1 stand up bar with 6 seats for a grand total of 34 interior seats, there is also an accessory basement with no patron use, this application also includes a currently DCA licensed sidewalk café which has 9 tables and 18 seats which will be assigned to the current applicant, there is an existing Temporary Certificate of Occupancy which continues to be kept current; and,

**3. Whereas,** the hours of operation for the interior of the premises will be 12PM to 12AM 7 days a week (No patrons shall remain after the closing hour), the Sidewalk Café will continue to be open no later than 10PM Sunday to Thursday and 11PM Friday and Saturday (there will be no patrons in the sidewalk café after 10PM Sunday to Thursday and 11PM Friday and Saturday) music will be quiet background only

consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no music in the sidewalk café, all doors and windows will be closed at 10PM every night and anytime there is amplified music, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no TV's; and,

**4. Whereas**, the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant on-premise liquor license stating that:

1. The premises will be advertised and operated as a neighborhood restaurant with American cuisine.
2. The hours of operation will be 12PM to 12AM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The Premises will close all doors and windows at 10PM every night and anytime there is amplified music except for patron ingress and egress.
10. Sidewalk Café will be open no later than 10PM Sunday to Thursday and 11PM Friday and Saturday. There will be no patrons in the sidewalk café after 10PM Sunday to Thursday and 11PM Friday and Saturday.
11. This application includes a DCA approved sidewalk café that will be applied to be assigned to the applicant from the current operator (18 seats).

**5. Whereas**, the application is consistent with the currently licensed premises and the Applicant presented a petition with a mix of signatures, some from local residents, a representative of the Jane St. Block Association did not oppose the application; and,

**6. Whereas**, there are currently approximately 17 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of a new Restaurant On Premise Liquor License via a “transfer” application for **Hudson Gastro Pub LLC, d/b/a The Hudson Division, 581 Hudson St. 10014** 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” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 38 Board members in favor.

**28. G&L Restaurant, LLC d/b/a TBD, 21-23 W. 8th St. 10003 (New OP – previously licensed)**

**1. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new restaurant on-premise liquor license in a previously but not currently licensed location for a full service high end restaurant which will be a family friendly restaurant focusing on “seasonal, locally driven American food with a focus on the wood burning grill and oven”; and,

**2. Whereas**, this application is for a new Restaurant On-Premise Liquor; the premises is in a mixed-use residential/commercial district located on the ground floor and cellar of two residential buildings (#21 and #23 West 8<sup>th</sup> St.) on West 8<sup>th</sup> Street between MacDougal St. and Fifth Ave for a roughly 7,500 sq. ft premise (3,500 sq. ft. ground floor and 4,000 sq. ft. cellar), with 26 tables and 211 seats (of those – 8 tables and 54 seats are in the basement – the rest on the ground floor), and one standup bar with 17 seats on the ground floor for a total of 228 seats; the premises is located in an area where sidewalk cafes are prohibited; there are no other outdoor seating areas or backyard garden, there are existing building permits and certificates of occupancy, but they **do not support the current application as presented** – the applicant will need to update certificates of occupancy and any permits or letters of no objection and place of assembly permits to reflect the current proposal across the two buildings in which the restaurant is located and as such, **all permits presented to the Liquor Authority should be dated 2015 or later in order for the license to be issued unless a detailed explanation is presented and reviewed by the Authority** (the location was previously licensed, but it does not appear that the previous licensee had the appropriate Department of Building Certifications for the actual use and the previous use included an illegal basement club); and,

**3. Whereas**, the hours of operation will be Sunday to Thursday from 12PM to 12AM and Friday to Saturday from 12PM to 1AM, all doors and windows will be closed at all times except for ingress and egress, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**4. Whereas**, the Applicant executed a stipulations agreement with CB2 that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant on-premise liquor license stating that:

1. The premises will be advertised and operated as a full service high-end restaurant with locally driven American food as described.
2. The hours of operation will be Sunday to Thursday from 12PM to 12AM and Friday to Saturday from 12PM to 1AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.

9. The Premises will not have French Doors, Operable Windows or open facades. The Premises will the doors closed at all times except for patron ingress and egress.
10. The applicant will not install or keep any operable windows or open façade.
11. There will be no unlimited drink specials or sale of pitchers of beer.
12. The applicant will aggressively manage the exterior of the premises to dissuade loitering and all waiting patrons will be accommodated inside the premises.
13. The premises will be soundproofed.
14. An interior vestibule will be constructed resulting in 2 doors to reach the interior from the exterior to minimize sound outside – no doors will be propped open at anytime.
15. All venting will meet or exceed NY City codes including use of a precipitator style or equivalent device on wood burning stove ventilation system.
16. The Applicant will agree to all stipulations as presented by the West 8<sup>th</sup> St Block Association that the Applicant reviewed and discussed with the West 8<sup>th</sup> St. Block Association prior to the meeting. The additional stipulations not covered above include:
  - a. G&L Restaurant LLC (G&L) is a legitimate restaurant with a substantial kitchen and menu. It is not a nightclub, dance club, sports bar, or similar establishment. Although there is a bar, the establishment will be a restaurant in character, with the focus on food. There will be no sale of beer by the pitcher. To protect against a bar-like atmosphere, there will no televisions. There will be no rope-lines, bouncers, or outside holding area for patrons.
  - b. G&L will actively and aggressively manage loitering patrons outside the restaurant to keep them hushed and ensure quick dispersion. G&L will use persuasion and reminders, (including, specifically, posted signs) to encourage patrons keep their voices down on the street as they come and go, smoke, etc. and respect the residents’ right to quiet homes.
  - c. G&L stipulates that there will be no live music, DJ or DJ booth, the space will be professionally soundproofed, and background music will be at soft levels that do not permeate into adjoining apartments and spaces. An interior vestibule with interior and exterior doors will be installed. Street doors will not be propped open during operating hours.
  - d. G&L will work with the Village Alliance BID to coordinate the garbage carter and the time of daily trash pick-up with other serving establishments on West 8<sup>th</sup> Street to minimize the number of noisy garbage trucks on the block. G&L will take steps to reduce as much as possible the clanking of discarded bottles in the handling of trash. G&L will store trash prior to pick-up in an appropriate manner to prevent vermin and odor problems for the residents.
  - e. If there is access to the back courtyard area, the space will not be used as a break or smoking area by the staff. There will be no glass separation or similar noisy work in the back courtyard. Any door to the back yard will remain closed during operating hours and not be propped at anytime.

**5. Whereas,** West 8<sup>th</sup> Street has seen a dramatic growth in liquor licenses as the exit of retail establishments has occurred over the last several years and the single block has become a new “restaurant row” with growth from 1 license to 15 licenses (both OP and RW) and while the local block association, the West 8<sup>th</sup> St. Block Association, has been cautious, there has been consistent support for restaurant uses with stipulations; and,

**6. Whereas,** this is the largest commercial space on the block for eating and drinking uses and is located in the largest residential building on the block, so there is concern regarding the impact on quality of life in the immediate area; and,

**7. Whereas,** the Applicant presented a petition with a mix of signatures, some from local residents, a representative of the West 8<sup>th</sup> St. Block Association and a resident of West 9<sup>th</sup> Street representing his building located behind the applicant appeared in support provided the applicant agree to the above referenced stipulations; and,

**8. Whereas,** there are currently approximately 20 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant On Premise Liquor License for **G&L Restaurant, LLC d/b/a TBD, 21-23 W. 8th St. 10003** **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” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 38 Board members in favor.

**29. BL 62 West 9th St, LLC d/b/a TBD, 62 W. 9th St. 10011 (Restaurant OP - transfer)**

**1. Whereas,** the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new restaurant on-premise liquor license via a “transfer” application for a casual elegant full service Italian restaurant; and,

**2. Whereas,** this application is for a new restaurant on-premise liquor license via a “transfer” application for a currently licensed location in a mixed use building located on West 9<sup>th</sup> St. between 6<sup>th</sup> Ave and 5<sup>th</sup> Avenue for a roughly 5,153 sq. ft. premise (2,203 sq. ft. basement, 1,531 sq. ft. 1<sup>st</sup> floor and accessory use cellar 1,419 sq. ft.) with 38 tables and 112 seats and 2 stand up bars with a combined 15 seats and a lounge seating area with 20 seats for a grand total of 147 interior seats, there is an existing Certificate of Occupancy which does not reflect the total occupancy as presented and there is no current Place of Assembly permit; and,

**3. Whereas,** the hours of operation for the interior of the premises will be Sunday from 10AM to 2AM, Monday to Friday from 5PM to 2AM, and Saturday from 10AM to 2AM (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 9PM every night and anytime there is amplified music, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no TV’s, smokers will continue to be encouraged to go to 6<sup>th</sup> Ave; and,

**4. Whereas,** the Applicant executed a stipulations agreement with CB2 that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant on-premise liquor license stating that:

1. The premises will be advertised and operated as a casual elegant Italian restaurant/full service restaurant only.
2. The hours of operation will be Sunday from 10AM to 2AM, Monday to Friday from 5PM to 2AM, and Saturday from 10AM to 2AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.

5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The Premises will not have French Doors, Operable Windows or open facades and all doors will be closed at 9PM except for patron ingress and egress and anytime there is amplified music.
10. A sidewalk café is not permitted at this location.
11. The applicant will specifically not use the rear courtyard for patrons or employees at any time.
12. The applicant will follow the law pertaining to occupancy and department of buildings regulations
13. The applicant will apply for a Place of Assembly Permit – until there is a place of assembly permit, applicant's attorney stated occupancy will remain below 74.

**5. Whereas**, the application is consistent with the currently licensed premises and the Applicant presented a petition with a mix of signatures, some from local residents; and,

**6. Whereas**, there are currently approximately 18 On Premise Liquor Licenses within 500 ft of the premises and an unknown number of beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB2, Ma. recommends **denial** of a new Restaurant On Premise Liquor License via a “transfer” application for **BL 62 West 9th St, LLC d/b/a TBD, 62 W. 9th St. 10011** **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” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 38 Board members in favor.

**30. Entity to be formed by Violetta Bitici & Sergio Bitici (Macelleria Restaurant, Inc.?) d/b/a Macelleria, 1-3 Little W. 12th St. 10014**

**1. Whereas**, the Applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a new restaurant on-premise liquor license in a location which has never been issued a liquor license for a full service high end Italian steakhouse as described; and,

**2. Whereas**, this application is for a new Restaurant On-Premise Liquor; the premises is in a commercial district with residential loft units across the street located on the ground floor and cellar of a 5 story commercial building on Little West 12<sup>th</sup> St. between Hudson St. and 9<sup>th</sup> Avenue for a roughly 4,000 sq. ft. premise (2,000 sq. ft. ground floor and 2,000 sq. ft. basement), with 30 tables and 160 seats (of those – 5 tables and 50 seats are in the basement – the rest on the ground floor), and 2 standup bars with 1 on the ground floor with 9 seats and 1 in the basement with no seats, for a total of 169 interior seats, the maximum occupancy for the premises will be 234; there is no rear yard, rooftop or patio seating not including areas which may be licensed for a future DCA sidewalk café, there are existing building permits and certificates of occupancy, but they **do not support the current application as presented** (it appears that Certificate of Occupancy #100169 issued 3/2/1992 has been superseded by a new c of o which does not include this space), – the applicant will need to update certificates of occupancy and any permits and place of assembly permits to reflect the current proposal and as such, **all permits presented to the Liquor Authority should be dated 2015 or later with each use within the building specifically**

**designated (there are other licensed premises on the same block & lot number in different buildings which may appear on the same C of O) in order for the license to be issued unless a detailed explanation is presented and reviewed by the Authority; and,**

**3. Whereas,** the hours of operation will be 11AM to 2AM 7 days a week, all doors and windows will be closed no later than 11PM every night without exception and anytime there is amplified music, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**4. Whereas,** the applicant has operated at another location in the Meatpacking District since 1999 utilizing the same d/b/a name Macelleria at 48 Gansevoort St. with an on-premise liquor license and this application is to move their current operation, which is well respected within the community, to this location due to the termination of their existing lease; the applicant did reach out to and met with a group of residents representing the Meatpacking area south of West 14<sup>th</sup> Street where there have been significant problems with an over-saturation of liquor licenses, late night encroachment and noise on the surrounding residential community and severe traffic congestion on Little West 12<sup>th</sup> St. and Gansevoort Streets and a significant deterioration of quality of life due to a litany of quality of life style of issues ranging from the mundane to criminal in nature, and the applicant agreed to certain stipulations limiting its method of operation which have been incorporated herein addressing the concerns of those residents and gaining their support, including residents who live across the street; a letter in support from the Meatpacking District Improvement Association was received and a representative spoke in support; and,

**5. Whereas,** the Applicant executed a stipulations agreement with CB2 that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant on-premise liquor license stating that:

1. The premises will be advertised and operated as an Italian Steakhouse.
2. The hours of operation will be 11AM to 2AM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will advertise a closing hour of no later than 1AM.
4. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
5. The premises will have no more than 3 televisions no larger than 46 inches. One television will be in the bar area, 1 television will be in the back dining room area on the ground floor and 1 television will be in the basement.
6. The premises will not permit dancing.
7. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
8. The premises will play quiet ambient, recorded background music only. No music will be audible in any adjacent residences at anytime.
9. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
10. The Premises will close all doors at 11PM every night and anytime there is amplified music except for patron ingress and egress.
11. The applicant will obtain all required certificates, permits and related including a revised Certificate of Occupancy and a New Place of Assembly Permit, both dated 2015 or later.
12. There will be no liquor bottle service (this excludes wine, sake and champagne).
13. Any future sidewalk café for which the applicant applies will close no later than midnight 7 days a week with no seating of new patrons after 11pm.

6. **Whereas**, this location has been the subject of a number of applications to the Liquor Authority, but no entity has carried through with their application and actually opened a restaurant and had a license issued after receiving all proper permits, certificates of occupancy and place of assembly permits; and,

7. **Whereas**, there are currently approximately 28 On Premise Liquor Licenses within 500 ft. of the premises, many large scale multi floor venues, and an unknown number of beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant On Premise Liquor License via a “transfer” application for **Violetta Bitici & Sergio Bitici (Macelleria Restaurant, Inc.?) d/b/a Macelleria, 1-3 Little W. 12th St. 10014** **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” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 38 Board members in favor.

**31. 62 Greenwich, LLC, d/b/a Greenwich Steak House FG, 62 Greenwich Ave. 10011**

**Whereas**, at this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on July 16<sup>th</sup>, 2015, the Applicant’s attorney requested to **layover** this application for a 4 story premises with outdoor patio on the 2<sup>nd</sup> floor for a new on-premise liquor license in order to among other things **(1)** perform additional community outreach, in particular to any adjacent neighbors to the outdoor patio area, **(2)** to fully present interior plans that conform to the presented occupancy which is in fact larger than 74 and shows all seating including outdoor 2<sup>nd</sup> floor patio seating, **(3)** to explain how plans will be filed to alter the Certificate of Occupancy and premises to show patron use of the top floor and the installation of a kitchen in the basement, **(4)** because this is a multi-floor venue it most likely requires multiple egress from upper floors because the occupancy is greater than 74, which were not indicated on plans, and **(5)** to arrange a walk through with members of CB2, Man. and they will re-present the application for consideration at a future CB2 SLA Licensing Committee meeting most should they proceed;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, or any other beer and wine license, for **62 Greenwich, LLC, d/b/a Greenwich Steak House FG, 62 Greenwich Ave. 10011** **until** the Applicant has fully presented their application including presenting the information indicated above in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**THE FOLLOWING ARE RESOLUTIONS FOR ALL APPLICANTS THAT WERE LAID OVER, WITHDRAWN, OR DID NOT APPEAR BEFORE THEIR REQUESTED HEARING:**

**32. Duet NY LLC, d/b/a Duet Brasserie, 74 7th Ave. South. aka 37 Barrow St. 10014 (OP Alteration SN 1279932– change of hours – Did not appear)**

**Whereas**, the Applicant **failed to appear** before CB2, Manhattan’s SLA Licensing Committee Meeting on July 16<sup>th</sup>, 2015 after having submitted a “30 Day Notice” to CB2 for an Alteration to their existing

Restaurant On-Premise Liquor License and having been placed on CB2's SLA Licensing Committee's Agenda; and

**Whereas**, the alteration application is to modify the existing method of operation and modify existing stipulations in order to extend their hours of operation; CB2, Man. received letters in opposition from two local Block Associations;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of alteration or changes to any existing on-premise liquor license, any proposed new restaurant wine, tavern wine, eating place beer, on premise liquor license, corporate change, class change, transfer, or upgrade to any existing license for **Duet NY LLC, d/b/a Duet Brasserie, 74 7th Ave. South. aka 37 Barrow St. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**33. Ramen by Mew, Inc., 7 Cornelia St. 10014 (New RW – Did not appear)**

**Whereas**, the Applicant **failed to appear** before CB2, Manhattan's SLA Licensing Committee Meeting on July 16<sup>th</sup>, 2015 after having submitted a "30 Day Notice" to CB2 for a New Restaurant Wine License and having been placed on CB2's SLA Licensing Committee's Agenda;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed restaurant wine, tavern wine, eating place beer, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Ramen by Mew, Inc., 7 Cornelia St. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**34. Zouk Ltd., d/b/a Palma, 28 ½ Cornelia St. 10014 (OP Alteration SN 1105812– laid over)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 16<sup>th</sup>, 2015, the Applicant's attorney requested to **layover** this application for an alteration to an existing on-premise liquor license to expand the premises and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Zouk Ltd., d/b/a Palma, 28 ½ Cornelia St. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**35. Dailyfish 33, LLC, d/b/a Chapter One, 33 Greenwich Ave. 10014 (OP Alteration SN 1273163 – laid over)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 16<sup>th</sup>, 2015, the Applicant's attorney requested to **layover** this application for an alteration to an existing on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Dailyfish 33 LLC, d/b/a Chapter One, 33 Greenwich Ave. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**36. Highline Restaurant LLC, d/b/a Santina, 820 Washington St. 10014 (OP Alteration SN 1276676 – laid over)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 16<sup>th</sup>, 2015, the Applicant's attorney requested to **layover** this application for an alteration to an existing on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Highline Restaurant LLC, d/b/a Santina, 820 Washington St. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**37. Patlar Corp. d/b/a Barrows Pub, 93 Barrow St. 10014 (Renewal – laid over)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 16<sup>th</sup>, 2015, the CB2 Manhattan requested the Licensee to **layover** this application for a renewal application and asked the applicant to appear in August/2015;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of renewal application for **Patlar Corp. d/b/a Barrows Pub, 93 Barrow St. 10014** **until** the Applicant has presented their renewal in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**38. Hudson Gastro Pub, LLC, d/b/a The Hudson Division, 131 Christopher St. 10014 (New RW - withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 16<sup>th</sup>, 2015, the Applicant's attorney requested to **layover** this application for a new on-premise liquor license **at this location** and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed at this location (CB2 received separate notice for another location for the same applicant); and

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Corp. to be formed, 234 W. 4th St. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**39. Corp. to be formed, 234 W. 4th St. 10014 (New OP - laid over)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 16<sup>th</sup>, 2015, the Applicant's attorney requested to **layover** this application for a new on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Corp. to be formed, 234 W. 4th St. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**40. Infinity Restaurant Group, 45 W. 8th St. 10011 (New OP – withdrawn)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on July 16<sup>th</sup>, 2015, the Applicant’s attorney requested to **withdraw** this application for a new on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Infinity Restaurant Group, 45 W. 8th St. 10011** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**41. Piccolo W.V. LLC, 57 7th Ave So. 10011 (New OP - withdrawn)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on July 16<sup>th</sup>, 2015, the Applicant’s attorney requested to **withdraw** this application for a new on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Piccolo W.V. LLC, 57 7th Ave So. 10011** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**42. 13th Street Holdings LLC, 409 W. 13th St. 10014 (New OP – transfer – laid over)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on July 16<sup>th</sup>, 2015, the Applicant’s attorney requested to **lay over** this application for a new on-premise liquor license via a “transfer” application and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **13th Street Holdings LLC, 409 W. 13th St. 10014** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly

to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**43. An Entity to be formed by Stephen Starr, 100 Gansevoort St. 10014 (New OP - laid over)**

**Whereas**, prior to this months CB2, Manhattan’s SLA Licensing Committee Meeting on July 16<sup>th</sup>, 2015, the Applicant’s attorney requested to **withdraw** this application for a new on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **An Entity to be formed by Stephen Starr, 100 Gansevoort St. 10014** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**44. Tapestry, LLC, 60 Greenwich Ave. 10011 (New OP - laid over)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on July 16<sup>th</sup>, 2015, the Applicant’s attorney requested to **lay over** this application for a new on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Tapestry LLC, 60 Greenwich Ave. 10011** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

Respectfully submitted,

Keen Berger  
Secretary  
Community Board #2, Manhattan