

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

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Greenwich Village \* Little Italy \* SoHo \* NoHo \* Hudson Square \* Chinatown \* Gansevoort Market

### FULL BOARD MINUTES

**DATE:** September 24, 2015  
**TIME:** 6:30 P.M.  
**PLACE:** Scholastic Building, 557 Broadway, Auditorium

**BOARD MEMBERS PRESENT:** Susanna Aaron, Daniel Ballen, Keen Berger, Tobi Bergman, Chair; Katy Bordonaro, Don Borelli, Anita Brandt, Richard Caccappolo, Lisa Cannistraci, Ritu Chattree, Tom Connor, Terri Cude, Doris Diether, Cristy Dwyer, Robert Ely, Jonathan Geballe, Robin Goldberg, Susan Kent, Jeannine Kiely, Edward Ma, Alexander Meadows, Lois Rakoff, Robin Rothstein, Sandy Russo, Rocio Sanz, Maury Schott, Shirley Secunda, Federica Sigel, Shirley Smith, Chenault Spence, Richard Stewart, Sean Sweeney, Susan Wittenberg, Antony Wong, Robert Woodworth, Elaine Young

**BOARD MEMBERS ABSENT WITH NOTIFICATION:** William Bray, Maria Passanante Derr, Sasha Greene, David Gruber, Maud Maron, Daniel Miller

**BOARD MEMBERS ABSENT:** Billy Friedland, Shannon Tyree

**BOARD MEMBERS PRESENT/ARRIVED LATE:** Carter Booth, Coral Dawson, Joshua Frost, Susan Gammie, Robert Riccobono, Kristin Shea

**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, Don Camponelli, NYC Comptroller Scott Stringer's office; Adam Chen, Public Advocate Letitia James' office; David Moss, Council Member Corey Johnson's office; Matt Viggiano and Aura Olivarria, Council Member Rosie Mendez's office; Vincent Fang, Council Member Margaret Chin's office; Lora Tenenbaum, Jamie Davidson, Jim Chu, Jane Carey, John Vancu, Shane Neuringer, Jessica Martinez, Emily Hellstrom, Amanda Rodrigues, Juhi Goenka, Eun Sang Chu, Pete Davies, Anne Palmer, John Bencoter, Paul Leonard, Paul Selven, Marie Peterson, Sam Murphy, Ron Armstrong, Jessica Grundon, Tessa Grundon, Jason LeVian, Marvin Mitzner, Ying Xin Tan, Ali Oriaku, Eileen Braun, Nancy Gerstman, David Neuhaus, Kate Quarfordt, Zachary Martin, Tali Neuhaus, Ella Wiznia, Yvonne Brooks, Melissa Powell, Bill Lipschulz, Jeffrey LeFrancois, Renee Green, Jason Goldman, Frances Hausband, Molly Rockhold, David Simpson, Mathilde van Tulder, Hannah Shulman, Laana Popat, Caitlin Lawrie, Sam Hurwitt, Pauline Augustine, Ken Wallach, Jennifer Romine, Natalie Bergh, Ted Porter, Steven Godeke, Cynthia Chapin, Amy Nicholson, John Vanco, Joey Campanaro, Dan Rossner, Melissa Powell, Howard Zipser, Jeffrey LeFrancois

## MEETING SUMMARY

Meeting Date – September 24, 2015  
Board Members Present – 42  
Board Members Absent With Notification – 6  
Board Members Absent - 3  
Board Members Present/Arrived Late - 6  
Board Members Present/Left Early – 0

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### II. PUBLIC SESSION

#### Non-Agenda Items

##### Quality of Life Issues

Pauline Augustine spoke regarding quality of life issues on Sullivan St.

##### Whitney Museum

Jane Carey updated everyone on new events.

##### MPIA

Jeffrey LeFrancois updated everyone on upcoming events.

##### Bellevue, HHC Community Advisory Board

Lois Rakoff updated everyone regarding the Board.

#### Arts and Institutions Items

##### City School of the Arts Proposal

Jamie Davidson spoke regarding the proposal for a new school in the district.

Kate Quarfordt and Jim Chu spoke in favor of the proposal.

### **Executive Committee Items**

Opposing Request from Housing Preservation & Development to Lower Manhattan Development Corporation funding for an affordable housing project at 21 Spring Street, aka Elizabeth Street Garden  
Jennifer Romine, Tessa Grundon, John Bencoter, Emily Hellstrom, Pete Davies, Sam Hurwitt, Renee Green, and Natalie Bergh, spoke in favor of the Elizabeth Street Garden.

Eileen Braun spoke in favor of the Garden and against development.

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

323-25 Sixth Ave., 327 Sixth Ave., 14-16 Cornelia St.: 3 applications for construction addition to IFC Ctr.  
John Vanco, the applicant; Amy Nicholson, Nancy Gerstman, Joey Campanaro, Dan Rossner, and Melissa Powell, all spoke in favor of the theater expansion.

9 Vandam St. - Resubmission of previous application with modifications to the rear yard extension and reduction in size  
Howard Zipser spoke in favor of the modified Landmarks application.

### **Sidewalks/Street Activities Items**

643 Broadway Holdings LLC, d/b/a Bleecker Kitchen & Co., 643 Broadway-ASWC  
Bill Lipschulz spoke against the proposed sidewalk café application.

### **SLA Licensing Items**

Pacific 4, LLC d/b/a The Broome, 431 Broome St. 10013  
Cynthia Chapin and Lora Tenenbaum spoke against the proposed new liquor license application.

VC Chef, LLC, 306 W. 13<sup>th</sup> St. 10014  
Ted Porter and Steven Godeke spoke against the proposed new beer and wine application.

## **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;

Don Camponelli, 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;

**V. ADOPTION OF MINUTES**

Adoption of the July minutes

**VI. EXECUTIVE SESSION**

1. **Chair's Report** Tobi Bergman reported.
2. **District Manager's Report** Bob Gormley reported.
3. **Treasurer's Report** Antony Wong reported.
4. **August Executive Committee Report**

**EXECUTIVE**

"In accordance with bylaws, **the full board voted unanimously to affirm all the actions taken by the board on agenda items at the August Executive Committee meeting, with the exception of recusals as noted in the Executive Committee minutes.** In accordance with bylaws, the full board voted 34-4 to ratify the Emergency Resolution passed by the board at the August Executive Committee meeting. Voting no on the Emergency Resolution were Connor, Derr, Sanz, and Smith."

**A Motion Opposing a Request from Housing Preservation & Development to Lower Manhattan Development Corporation funding for an Affordable Housing Project at 21 Spring Street, aka Elizabeth Street Garden**

**Whereas:**

1. Housing Preservation & Development (HPD) has requested funding from the Lower Manhattan Development Corporation (LMDC) in the amount of \$6 million for an Affordable Housing project at 21 Spring Street;
2. LMDC approved criteria for the use of the available funds includes that "The project demonstrates a high level of community interest and support";
3. Community Board 2 Manhattan was not advised of this funding request by HPD;
4. No proposal to use of this site for housing has ever been publicly reviewed and the specific proposal to be funded has not been presented to CB2 or even publicly announced or made available to the public in any way;
5. CB2 has proposed to HPD the use of another city-owned site within our district where far more affordable housing can be built with less harm to public open space;
6. The proposed housing at 21 Spring Street would eliminate the Elizabeth Street Garden, an important and much-loved green space;
7. In January, 2014, CB2 passed a resolution that:

- a. “Supports the permanent preservation of the Elizabeth Street Garden in its entirety as a public open, green space and urges the City to transfer jurisdiction over this lot to the Parks Department;
  - b. Supports the efforts of the Elizabeth Street Garden volunteers to form an independent non-profit group dedicated to improving the garden, guaranteeing open public access, and providing programming, community events, and opportunities for volunteers;
  - c. Commits to an ongoing strategic and activist effort alongside our elected officials and government agencies to expand and preserve affordable housing in the district.”
8. Since then, Friends of Elizabeth Street Garden has:
- a. Established a 501(c)(3) nonprofit corporation with an independent board of local residents and business owners;
  - b. Organized almost 400 local volunteers to beautify the garden and keep it open to the public all year, including over 40 hours per week seasonally, and sent regular mailings to an email list of more than 3,800 subscribers;
  - c. Programmed more than 150 free public events each season - including gardening and educational programming for adults and children, wellness programming such as yoga, tai chi and meridian tapping, summer movie nights, live music performances, and an annual Harvest Festival attended by more than 2,000 neighbors;
  - d. Released its 2014 Annual Report highlighting its accomplishments; and,
  - e. Raised \$23,000 through a combination of fundraising and grants.
9. Elizabeth Street Garden provides a heavily-used and much loved green oasis for local residents, workers and visitors to Little Italy and SoHo, a neighborhood:
- a. With only *three* square feet of open space per resident, and virtually all of this parkland is paved;
  - b. With an open space ratio of just 0.07 acre per 1,000 residents as compared with New York City’s planning goal of 2.5 acres per 1,000 residents (109 square feet per resident), and this includes the planted medians on Houston Street;
  - c. That is part of the only downtown Manhattan neighborhood that the New York City Parks Department identifies as “*underserved*” by open space in its City Environmental Quality Review Technical Manual;
  - d. That is part of the broader neighborhood of Community Board 2 that also lacks adequate open space with an 0.58 acre of parkland per 1,000 residents (25 square feet per person), one of the lowest ratios of public open space in the City; and
  - e. That is characterized by long blocks with narrow streets, small apartments that depend on air shafts for light and air, and none of the small neighborhood squares and green spaces that provide respite in other parts of the CB 2, where much of the district’s open space is concentrated in Hudson River Park and Washington Square Park, 1.2 miles and 0.9 miles respectively from the Garden,

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

1. Reiterates its support for the permanent preservation of the Elizabeth Street Garden in its entirety as public open green space and urges the City to transfer its jurisdiction to the Parks Department;
2. Urges the LMDC to adhere to its guidelines and therefore to not provide funding for a project that has not even been presented to the community, much less demonstrated a “high level of community interest and support”;
3. Urges HPD to withdraw this funding application and to work with CB2, Man. and local elected officials to comprehensively assess the best opportunities for affordable housing within the district so that all concerned parties may work collaboratively and constructively to advance the critical goals of affordability and diversity in our district while also preserving our necessary public open space.

Vote: Passed, with 34 Board members in favor, and 4 in opposition (T. Connor, M. Derr, R. Sanz, and S. Smith).

**LANDMARKS & PUBLIC AESTHETICS**

**1 151 Grand St. -** (SW Lafayette St.) located within the SoHo extension. Application is to restore the building, modify the storefront infill and construct a one-story rooftop addition. Built 1889

- a) **Whereas**, the work includes brick and window replacement to match original and the reopening of windows that had been closed for two elevator shafts; and
- b) **Whereas**, the retail ground floor infill is in wood with high bulkheads, transoms and hinged doors in keeping with 1940s condition shown in photographs and assumed to be original or close to the original; and
- c) **Whereas**, the access ramp is required and it is apparent its purpose cannot be achieved inside the building, and
- d) **Whereas**, the restoration and addition of windows on the back facades does not detract from the integrity of the building and, for the most part, is not visible from any public thoroughfare; and
- e) **Whereas**, the shallow, "L" shaped footprint of this building cannot visually sustain the proposed, obtrusive penthouse which is clearly visible from almost all views of the building and clad in a bright, modern interpretation of industrial shutters, and
- f) **Whereas**, any addition to the roof apart from necessary stair bulkheads, elevator over-run, and mechanical equipment would be intrusive; therefore

**Therefore, be it resolved** that CB2, Man. recommends approval of the façade work including retail space infill, access ramp and the addition of windows on the secondary facades; and

**Be it further resolved** the CB2, Man. recommends approval of stair bulkheads, elevator over-run, and mechanical equipment on the roof; and

**Be it finally resolved**, that CB2, Man. recommends denial of the proposed penthouse and terrace.

2 **127 Prince St.** - (NW corner Prince and Wooster). Application is to install signage.

- a) **Whereas**, the proposals for the addition of one black blade sign in cedar with a white log on the Wooster Street façade to match the existing, approved sign on the Prince Street; and
- b) **Whereas**, proposed sign and existing sign are to be close to the to the corner of the building and at the same height as the existing sign; and
- c) **Whereas**, the sign is unobtrusive and in keeping with the building and the district; therefore

**Therefore, be it resolved** that, CB2, Man. recommends approval of the addition of one sign and the proposed placement.

3 **143 Grand St.** - Application is to replace the existing doors, finishes, and install signage.

- a) **Whereas**, the applicant represented that the very considerable change in the prior condition sign and the replacement of the awning with different fabric and with lettering relating to the applicant's establishment was not part of this application; and
- b) **Whereas**, neither change is "in kind" and such clearly large and visible changes are, without exception, brought before the Landmarks Committee of the Board for review and recommendation; and
- c) **Whereas**, the new infill with wooden doors, operable windows over an appropriate bulkhead, and transoms is harmonious with the building and with the district; and
- d) **Whereas**, extensive probes will be done on the corners of the building to determine whether there are covered cast iron columns intact; and
- e) **Whereas**, there will be gooseneck lamps on the Grand Street façade matching those on the Lafayette Street façade; now

**Therefore, be it resolved**, that CB2, Man. recommends that the sign and the awning come before the Committee for review and that the application be laid over until this is accomplished; and

**Be it further resolved** that CB2, Man. recommends approval of the wooden infill; and

**Be it finally resolved** that CB2, Man. recommends that, should the corner probes reveal intact cast iron columns, that they be incorporated into a modified design.

**NOTE:** 308-312 Mott Street and 314-316 Mott Street are matching buildings and were presented as one project with the same proposal for each of them.

4 **308-312 Mott St.** – Application is to alter the façade and install new awnings.

- a) **Whereas**, the removal of the stucco and adding new face brick to match the brick color, size and texture of the upper floors; and
- b) **Whereas**, should more extensive removal of the stucco reveal that the bricks on the ground floor are of a different color from the upper stories and reveals a clearer picture of the original design of the ground floor that this knowledge be used as a guideline for the restoration of the found floor facade rather than matching the upper story color as proposed; and

- c) **Whereas**, should more extensive removal of the stucco reveal that the existing brick is not original, that research is undertaken with similar buildings to determine the correct color for the ground floor brick.
- d) **Whereas**, the proposed dark green, straight sided awnings are in harmony with the building and with the district; now

**Therefore, be it resolved** that CB2, Man. recommends approval of removal of the stucco and replacement of the ground floor bricks provided that a diligent effort is made to ensure the original design and color of the historic bricks and the masonry detailing is respected; and

**Be it further resolved** that CB2, Man. recommends approval of the replacement awnings.

**5 314-316 Mott St.** - Application is to alter the façade.

- a) **Whereas**, the removal of the stucco and adding new face brick to match the brick color, size and texture of the upper floors; and
- b) **Whereas**, should more extensive removal of the stucco reveal that the bricks on the ground floor are of a different color from the upper stories and reveals a clearer picture of the original design of the ground floor that this knowledge be used as a guideline for the restoration of the found floor facade rather than matching the upper story color as proposed; and
- c) **Whereas**, should more extensive removal of the stucco reveal that the existing brick is not original, that research be undertaken with similar buildings to determine the correct color for the ground floor brick.
- d) **Whereas**, the proposed dark green, straight sided awnings are in harmony with the building and with the district; now

**Therefore, be it resolved** that CB2, Man. recommends approval of removal of the stucco and replacement of the ground floor bricks provided that a diligent effort is made to ensure the original design and color of the historic bricks and the masonry detailing is respected; and

**Be it further resolved** that CB2, Man. recommends approval of the replacement awnings.

**6 520 Broadway** – Application is to create a new door and window openings at existing penthouse, install wood screening in front of penthouse, add metal railings at roof parapet.

- a) **Whereas**, the brown painted corrugated iron, the new windows, and the added low wood screening and railing improve the appearance of the existing penthouse; and
- b) **Whereas**, the proposal does not alter the bulk visibility of the penthouse from any public thoroughfare,

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

**7 355 West Broadway** - Application to restore primary façade, cornice, storefront window replacement and rooftop and rear yard additions.

- a) **Whereas**, The restoration of the storefront with historic style wooden infill with bulkhead and transoms from the 1940s tax photograph and the addition of an upper cornice patterned on that of a neighboring building return the building to a reasonable representation of its original design; and



b) **Whereas**, though the penthouse and additions at the rear of the building are considerable, they are minimally visible from any public thoroughfare, now

**Therefore, be it resolved**, that CB2, Man. recommends approval of the façade restoration and the addition the penthouse and rear extensions.

**8 74 Perry St.** -Application is to replace windows and front stoop light fixture, extend basement level, replace windows/doors on rear elevation, apply stucco to the rear façade, add porch/spiral stair down to garden, reposition AC equipment and dunnage per LPC recommendations, add small bulkhead with 1/2 bath on roof, and new decking.

a) **Whereas**, the restoration of the façade and the addition of an unobtrusive light over the English basement gate are historically accurate and in keeping other houses in the immediate and greater district; and

b) **Whereas**, the rooftop additions are not visible from a public thoroughfare; and

c) **Whereas**, the 4' excavation at the basement level provides a flow from the basement to the garden; and

d) **Whereas**, the casement windows on the rear façade are without historical reference and the disregard for the original three punched window placement in the rear yard addition façade on the parlor and basement floors disturbs the rhythm of the façade and are without historical reference;

**Therefore, be it resolved**, that CB2, Man. recommends approval of the front façade restoration and rooftop additions; and

**Be it further resolved**, that CB2, Man. recommends approval of the garden excavation; and

**Be it finally resolved**, that CB2, Man. recommends denial of the single, divided, fenestration at the parlor and basement levels of the rear yard addition façade.

**9 21½ King St.** - Application to restore exterior including: repointing, masonry cleaning, window & roof replacement, partial removal and alteration of masonry walls at rear facade and light wells, a new stair bulkhead, mechanical equipment and raised parapet for new roof deck.

**(Withdrawn)**

**10 333-335 Bleeker St.** – Application is to install storefront infill.

a) **Whereas**, the proposal is for a new infill in the same configuration and proportions as the existing infill rendered in metal painted blue and gray with a strong modern feel, and

b) **Whereas**, the door handle and mail slot have detailing relating to the clients' business and are totally without precedent or historical reference, and

c) **Whereas**, the immediate row of storefronts are in wood and are historically referenced styles; and

d) **Whereas**, there are other solutions to distinguish the premises from other businesses, and

e) **Whereas**, introducing more modern metal and glass storefronts to the district, and to this strip of Bleecker Street in particular, serves only to further erode the architectural history, feeling, and spirit of the district; therefore

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

**Be it further resolved**, that CB2, Man. recommends that the existing storefront infill be preserved intact, although modifying the storefront slightly so the door can swing open 90 degrees is acceptable.

**10 11 5th Ave.** - (8th St. facade) Application is to construct a new service entrance at the 8th street façade, removal of grey paint on limestone panels, removal of metal fence and installation of infill concrete for a paved surface.

a) **Whereas**, a non original security fence will be removed and the gravel area behind the fence will be incorporated into the sidewalk with matching paving; and

b) **Whereas**, and unobtrusive double door the color of other ground floor doors in the building; and

c) **Whereas**, the applicant did not present a rendering or picture of the proposed doors; now

**Therefore be it resolved** that CB2, Man. recommends the approval of the removal of the fence and the sidewalk paving; and

**Be it further resolved**, that CB2, Man. recommends approval of the double doors provided that they are of a design harmonious with a principal façade and do not appear as utilitarian or industrial.

**11 282 W. 4th St.** - Application is to replace windows, excavate a sub-cellar, and repoint brickwork at 280 W. 4th St. and to move rooftop mechanical equipment from 280 W. 4th St. to 280 W. 4th. St.

**NOTE:** The proposed modifications are being proposed to 280 W. 4th. St. in consideration of this building's being combined with an adjacent double town house (280 W. 4th. St.). Application has been made to unite 282 and 280 into one tax lot.

a) **Whereas**, the appearance of the building is enhanced by restoration of the wooden paneling on each side of the artists studio skylight to match 1940 tax photo; and

b) **Whereas**, replacing the roof railing to meet code, removing non-original shutters, replacing windows with historically correct ones matching the previously approved design in the adjacent house, and infilling non-historic lot line windows enhance the historically accurate restoration of the house; and

c) **Whereas**, the modifications do not compromise the appearance of 282 as a separate house, and

d) **Whereas**, creating a doorway to the roof terrace of the adjoining house is not visible from a public thoroughfare, and

e) **Whereas**, the code-required extension of the chimney and the clustering of screened mechanical equipment at the rear of the house is minimally visible; and

f) **Whereas**, the proposed excavation of the cellar and the creation of a sub-cellar involves underpinning of an adjacent, pristine town house; now

**Therefore, be it resolved** that CB2, Man. recommends approval of all exterior work in the application, and

**Be it further resolved**, that CB2, Man. recommends the cellar and new sub cellar excavation be denied unless the integrity of the adjacent buildings is protected by a method such as the angle of repose or similar method of excavation is used, rather than underpinning their adjacent walls.

**12 \*17 Barrow St.-**Application is to address the LPC violation regarding the removal of stucco arch without a permit and a proposed modification of the carriage house storefront.

- a) **Whereas**, there was testimony supported by a photograph that the arch was in existence before 1940 and, at that time painted in a dark color; and
- b) **Whereas**, there was testimony from a journalist that he had interviewed an elder relative of a previous owner of the property who confirmed that the arch was in place before 1900; and
- c) **Whereas**, there was testimony with photographs that the arch was painted white at the time of designation; and
- d) **Whereas**, the arch, though not original to the building, was a significant, historical addition, over 100 years old and therefore is an essential feature of the facade, and the unique architectural history of the building, the Barrow streetscape and of Greenwich Village, and is beloved by the community and noted in publications as an important historical icon, and is described in the district designation report; and
- e) **Whereas**, there was hearsay testimony from the applicant through the architect, who was not engaged until after the fact, that the arch “fell down”; and
- f) **Whereas**, there was evidently no attempt to stabilize the arch until it could be inspected by the DOB; and
- g) **Whereas**, there was apparently no effort to notify the DOB of the condition nor obtain an emergency permit for its removal; and
- h) **Whereas**, there was testimony, referencing a press article, that the owners of the building, who had lately sold the restaurant to the applicants were out of the country when the removal took place without their knowledge and were distressed by its removal and strongly recommend that it be replaced; and
- i) **Whereas**, there was testimony from a resident of an adjacent building representing the residents of the building and from several residents of the district universally calling for replacement of the arch duplicating it in kind, and
- j) **Whereas**, the application seeks to cure the violation with, in effect, a retrospective approval of the removal of the arch and with a proposal to replace the infill without addressing the arch’s replacement; and
- k) **Whereas**, it was represented that the existing public access doors are not wide enough to conform to current code and it is not known whether this condition is grandfathered; and

l) **Whereas**, the proposed infill makes changes that would destroy historic fabric and is not related to curing the violation;

**Therefore, be it resolved** that CB2, Man. recommends denial of this application; and

**Be it further resolved**, that CB2, Man. recommends replacement of the arch in a visual duplicate of the arch as it appeared before it was removed in a durable material and that a new application for this replacement be submitted for review by CB2; and

**Be it further resolved**, that CB2, Man. recommends that the existing infill be preserved (with the door widths modified if required) or that a modified design for a replacement infill be submitted as a new application for review by CB2; and

**Be it finally resolved**, that CB2, Man. recommends that the Commission be especially diligent in monitoring the wanton destruction of landmark buildings and materials with total disregard for the regulations designed to preserve the protected buildings and leveling such penalties as are available; and the exceedingly dangerous precedent should this circumvention of the law be allowed de facto.

### **SIDEWALKS/STREET ACTIVITIES**

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

**Village Restaurant Group LLC d/b/a Hudson Clearwater, 447 Hudson St, New York, N.Y. 10014 with 6 tables & 12 chairs (10400-2015-ASWC)**

**Whereas**, the area was posted, one of the applicant's principals, his attorney and the owners of 449 Hudson St. and of 551 Hudson St. appeared (requesting 10 p.m. closing, seven night a week);

**Whereas**, applicant agreed to close the sidewalk café at 10 p.m. on Monday through Thursday and 11 p.m. on Friday and Saturday;

**Whereas**, applicant's plan indicates two DCA regulated umbrellas will be utilized in the café and that it will use its best efforts to prevent/eliminate excessive noise;

**THEREFORE, BE IT RESOLVED**, that CB2, Man. recommends **DENIAL** of a new application for revocable consent to operate an unenclosed café to **Village Restaurant Group LLC d/b/a Hudson Clearwater, 447 Hudson St, New York, N.Y. 10014 with 6 tables & 12 chairs (10400-2015-ASWC)**

**UNLESS** applicant closes the sidewalk café at 10 p.m. Monday through Thursday and at 11 p.m. on Friday and Saturday.

#### **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 two years by these applicants, and the Board has not been notified of any issues with their operation.

- 120 U Rest, LLC, d/b/a Tortaria, 94 University Pl. with 12 tables & 24 seats (14128923-DCA)

- J.P.G. LLC d/b/a Philip Marie, 569 Hudson St. with 9 tables & 18 chairs (1003313-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.

**Applications for Street Activities Permits:**

**Whereas, for a “block party or block festival”,** 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,** community groups were notified and the applicants, as noted, were present regarding the applications below; and,

**Whereas,** the remaining items – noted as **FYI – Renewals below** – have been held for three or more years and after the items were published on the CB2 calendar of Meetings, no members of the community requested a public hearing be held regarding them, CB2, Man. has no issue with these applications and approves them, in total:

**New Application for a Street Activity Event:**

1. 10/3/15 Taste of the West Village, Grove St. bet. Bedford & Hudson Sts.

Laid over

**Renewal Street Activity Application: (heard by the Committee)**

2. 9/20/15 Pig Roast 2015 Special Event, 47 Bond St. between Bowery & Lafayette Sts.

**Whereas,** this is a special event, defined as a “street activity that promotes, advertises or introduces a product, corporation or other commercial entity or the goods or services of a corporation, company or other commercial entity to either the general public or to a portion of the general public”; and

**Whereas,** the applicant (the general manager of Il Buco Restaurant located at 47 Bond Street), a principal of Il Buco and her staff, appeared and stated that this event was held in 2014, but not held for four years prior to 2014; and

**Whereas,** Il Buco, at 47 Bond St., is an established restaurant that does not require a commercial introduction to the community; nor, was it introducing a product, goods or services to the general public or to a portion of the general public; and

**Whereas,** applicant retains 100% of the proceeds of this event; and

**Whereas,** the permit terms limit this event to 1) closure of the south sidewalk i/f/o 47 Bond St.; 2) closure of the of the south curb lane i/f/o 47 Bond St. for placement of one BBQ grill; 3) all sales transactions must be done inside the restaurant; and, 4) no consumption of alcohol unless a special permit issued by SLA; and

**Whereas,** this applicant, in 2014, violated the terms of the permit in that:

- 1) hundreds of people gathered in the street bed; (photo submitted by a community organization);
- 2) chairs and tables were placed on the sidewalk, to the east and west far beyond 47 Bond St.; **a)** Ryan Kinser, of ddgpartners, property manager of 41 Bond St. as well as a resident thereof, appeared and stated that the residents of 41 Bond St. were opposed to chairs and tables in front of their building; **b)** applicant admitted that there were chairs and tables to the east and west but stated that she had “permission” for the placement of chairs and tables from the adjoining commercial entities; and if their consent wasn’t sufficient, she would encourage them to join this Special Event application;
- 3) patrons crowded the north Bond St. sidewalk from #46 to #50 Bond St. (as stated by the community organization in its letter to the Board);
- 4) the community organization submitted a photo of transactions taking place outside on the street near the BBQ pit;
- 5) a community resident appeared stating that beer and wine is served outside; (no special SLA permits were obtained); and, that a nearby empty storefront was filled with wood, the fuel used for three BBQ pits that burned for 22 hours;
- 6) applicant admitted that, in January, 2010 (and memorialized in a CB2, SLA resolution), her business partner stipulated that they would suspend the “pig fest” if they received support for on o/p license for their second venue;
- 7) a nearby resident appeared and stated that three open BBQ pits were used in violation of the permit; and

**Whereas, further:**

- 8) there was no community outreach;
- 9 **a)** a resident in a nearby building, stated that the open wood fire BBQ pits were set up at 12:00 a.m. in the morning (time allowed by the permit) consuming his second floor apartment with smoke;
- 9 **b)** the resident went to the local FDNY and stated that their response was to “laugh” at him; applicant’s owner responded, with indifference, stating that it was only one day a year and the BBQ pit was allowed under the terms of the permit;
- 10) the committee questions whether an FDNY permit is required and/or whether there are FDNY rules and regulations for three, open BBQ pits located in the curb lane of the street, burning continuously for 22 hours;
- 11) applicant’s owner, dismissed the community’s concerns and stated that she would seek permission from SAPO for a permit on her terms;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends **DENIAL** of this event at 47 Bond St. between Bowery & Lafayette Sts.

**FYI Renewal Applications for Street Activities: (not heard by the Committee)**

3. 10/17/15 Tavern on Jane 19<sup>th</sup> Annual Block Party, Jane St. between Eighth Ave. & Hudson St.

**THEREFORE BE IT RESOLVED** that recommends **APPROVAL** of the above referenced **RENEWAL** application for a street activity on Jane St. between Eighth Avenue & Hudson St.

4. 10/31/15 NYU & CB2 Children’s Halloween Parade, LaGuardia Pl. bet Washington Sq. South & West 3<sup>rd</sup> St.

N.B. CB2, Man., as co-sponsor, has been advised by the Conflicts of Interest Board to refrain from voting on this street activity.

**THEREFORE BE IT RESOLVED** that CB2, Man. takes no position on this application.

**Vote: None. Please see above note.**

### SLA LICENSING

1. **York Food Corp., d/b/a Falucka, 162 Bleecker St. 10012** (Alteration to Extend Hours until 4AM and operate with DJs/Live Music and Dancing).

A. **Whereas**, the applicant and current licensee appeared before CB2, Man. for an alteration of an existing on-premise license (lic. # 1100628) and the applicant has been an operator of a Hookah Lounge located in a storefront ground floor premises of an eleven story mixed use building within a Historic District on Bleecker Street between Sullivan and Thompson Streets; and

B. **Whereas**, the premises on Bleecker Street is located in a densely populated, mixed-use (Com./Res.) area that has is highly congested during evening and late night/early morning hours, heavily saturated with liquor licenses and late night eating and drinking establishments and there are 38 existing On Premise licenses, an additional 5 licenses pending review by the SLA and an additional 16 existing Beer and Wine licenses all within 500 feet of the premises; and

C. **Whereas**, when the applicant first appeared before CB#2 Man. for its current restaurant wine and liquor license in December/1999, they obtained approval of this license **after affirming under oath in their application** to the NYS Liquor Authority (“SLA”) that they would operate as a new Middle Eastern/Moroccan Restaurant with a full service kitchen, full dinner menu, 15 tables and 48 seats employing one manager, a chef, five kitchen staff, four waiters, two dishwashers and one hostess, that **it would not permit dancing, live music or entertainment but would instead operate with background/quiet music only and with hours of operation from noon until 1 AM seven days a week;** and

D. **Whereas**, that shortly after the operator and licensee was issued a liquor license from the SLA and without notice to CB2 Man. or by application to the SLA to alter its license, **the operator conceded that they started operating until 4 AM seven nights a week without permission or approval from the SLA and operated as a Hookah Bar with live/DJ music at entertainment levels, smoking with Hookah pipes and belly dancers;** and

E. **Whereas**, in 2015 there have been over 30 late night complaints to NYC 311 operators at the premises due to loud music/parties coming from the premises in question during the months of March, April and May causing the police to respond to the premises on seven separate occasions; and

F. **Whereas**, the NYC Fire Department also responded to the premises and to certain residential apartments located directly above the Hookah Bar due to complaints of excessive smoke and toxic levels of exhaust coming from the Bar and infiltrating the residential apartments located thereat; and

G. **Whereas**, when the NYC Fire Department responded to the premises at 4:01 AM on September 10, 2014, it measured and documented toxic levels of carbon dioxide within the residential apartments located directly above the premises resulting in certain residential dwellers to be hospitalized, and constructively evicted from their home; and

**H. Whereas**, thereafter the licensee was also investigated by the NYC Dept. of Health and Mental Hygiene, which after an investigation and sting operation determined that the premises facilitated the unlawfully smoking of tobacco in the Hookah pipes supplied by the establishment, that the establishment did not have a commercial grade ventilation system to provide a proper ventilation for the late night smoking, the premises was not operating the kitchen for food services but rather was using an electrical oven to heat charcoal briquettes that were being used in the Hookahs exacerbating the insufficient ventilations systems; and

**I. Whereas**, after learning about the numerous quality of life and noise complaints and the health and fire code violations, CB2, Man. requested the licensee and applicant appear for its renewal license (exp. July/2015) and at the meeting the licensee acknowledged that they have had no food services within the premises for years, no kitchen operation, that they were bringing food into the location from another Restaurant located a block away and that they are operating a bar until 4 AM with live music, dancing, DJs and amplified entertainment level music; and

**J. Whereas**, after confronting the applicant about their failure to give notice to CB2, Man. or their failure to apply for an alteration to their license before making those changes on their own and without the requisite notice or permission to do so, in July/2015 the applicant requested additional time to provide CB2, Man. with a new notice to apply for an alteration to its existing license in an attempt to conform to the ABC laws and proposed to operate again as a Restaurant; and

**K. Whereas**, after the applicant gave notice to CB2, Man., it reappeared this Month on August 11, 2015 to request an alteration to expand its hours of operation to 4 AM from 1 AM seven days a week, to operate as a bar with food and to operate with DJs, live music and entertainment despite its prior digressions, causing a significant number of 311 noise complaints this year and last year (2014), despite its multiple infractions for repeatedly failing to follow the law and despite its reckless conduct in permitting toxic levels of carbon dioxide to invade the residential apartments and homes of its neighbors for an extended period of time; and

**L. Whereas**, the main excuse given by the applicant for causing such disorder at its premises in the past and for failing to follow the ABC laws of the State of New York was to blame its former lawyer, who regularly appears before the Liquor Authority, who was not present to explain any or all of the applicant's prior digressions, statements or explain the prior violations of law; and

**M. Whereas**, at the August 11, 2015 meeting, the manager of the establishment, Sameh Yakob, appeared and represented the application before CB2, Man. along with one of the two Principals, Happy Fahmy; the other principal Marcus Andrews was in attendance at the meeting as well, but did not present himself; the current manager Sameh Yakob was the original principal of the establishment until April/2013 at which time his interest was replaced by Happy Fahmy; there is an adverse disciplinary history at this location and at other locations currently and previously licensed by the manager and principals (one location #1150002 currently licensed within CB2 and one #1109448 previously licensed within CB3 Man.); and

**N. Whereas**, the current manager of the Premises is an Officer (Merchant Chair) and Member of the Bleecker Area Merchants' & Residents' Association ("BAMRA") and one of the two Principals is a Member of BAMRA and a current/past Officer of the 6th Precinct Community Council; and

**O. Whereas**, as a current member of BAMRA and long-standing business owner in the CB2 Community it was felt that the applicant should be taking a much greater responsibility for their prior actions within their own neighborhood, and that instead of setting an example for other businesses to



follow in a mixed use neighborhood already over-saturated with late night bars and entertainment establishments, this applicant has consistently and repeatedly violated the law and unreasonably infringed on its neighbors in too many ways;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** for **York Food Corp., d/b/a Falucka, 162 Bleecker St. 10012** on its application seeking to alter its existing Restaurant On-Premise liquor license; and

**THEREFORE BE IT FURTHER RESOLVED** that should this application be considered by the SLA, CB#2, Man, respectfully requests that this item be Calendared to appear before the Full Board of the SLA; and

**THEREFORE BE IT FURTHER RESOLVED** that CB#2 Man. also respectfully requests that the Liquor Authority review the conduct of the Licensee for violations of their approved “method of operation” and representations presented to the SLA and conduct appropriate enforcement.

**Vote, Passed with 39 members in favor, and 3 recusals (C. Booth, T. Cude, L. Rakoff).**

**2. SoHo Hotel Owner LLC, 138 Lafayette 10012** (Alteration to add service to outdoor rooftop terraces and reconfigure second floor from existing restaurant into bar with Live DJs and entertainment level music events).

**A. Whereas**, the applicant appeared before CB2, Man. for an alteration of an existing on-premise license (lic. 11279933, exp. 10/31/2016) to operate a full service transient Hotel in a 14-story building (circa 1966) located in a M1-5B Zoning District with entrances on Crosby and Lafayette Streets but is also located between Howard and Grand Streets; and

**B. Whereas**, the building was converted to Hotel uses in 1992 and was previously operated as a Holliday Inn for many years but was recently purchased by RFR Holdings and undergoing renovations to convert into a boutique style hotel with more uses of its existing retail spaces; and

**C. Whereas**, more specifically the applicant seeks to alter its method of operations on its second floor, which was previously used primarily for hotel patron dining with background level music and a lobby, and the new owners now seeks to transform the same second floor premises primarily into a bar, adding a 15 seat stand-up bar and adding entertainment level music to the space, including live DJs and music while also increasing the numbers of tables and seats in its library/lobby area with for a total of an additional 32 tables with 120 seats; and

**D. Whereas**, the applicant sought to extend its hours of operation until 4 AM seven nights a week and refused to reduce or even compromise on those hours of operation despite significant opposition by residential neighbors living on the same block and directly across the street from the Hotel who appeared and requested a reduction in operating hours to midnight during the week and 1 AM on the weekends; and

**E. Whereas**, while the applicant attempted to give assurances that its operations would not include a nightclub or a nightclub like atmosphere with its patrons spilling out into the street between midnight and 4 AM, the applicant also was unable to provide any coherent details nor willing to certain limitations to its method of operation which would prevent its operations from transforming into such a late night, nightclub like atmosphere in the future; and

**F. Whereas**, the applicant also seeks to renovate and increase the size of certain guest spaces on the 12<sup>th</sup> floor to add outdoor terraces that were never previously used or operated by the former Hotel and for which there is no permit or certificate of occupancy that permits such use, there being a current and existing certificate of occupancy which limits occupancy to 26 for the entire hotel floor with an existing 13 rooms; and

**G. Whereas**, there was significant opposition from existing residents living on Crosby, Howard and on Lafayette Streets, particularly in opposition to the outdoor drinking venues; citing quality of life concerns with a large hotel establishment; the failure to produce a proper certificate of occupancy to use and/or occupy the proposed outdoor terraces and **questioning the number of seats found in the applicant's terrace diagrams, which number exceeded the entire occupancy for the Hotel's 12<sup>th</sup> Floor** and specifically the corner unit on the 12<sup>th</sup> floor is particularly large and is configured for entertaining a larger number of people with separate catering facilities which far exceed the reasonable expectation of visiting guests given the double occupancy nature of the connected hotel room; local residents also cited public interest issues in regard to the 500-foot rule law; citing noise, traffic and overcrowding issues on a very quiet residential block; and its close proximity of many other licensed establishments; and

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** for **SoHo Hotel Owner LLC, 138 Lafayette 10012** on its application seeking to alter its existing Hotel OP license; and

**THEREFORE BE IT FURTHER RESOLVED** that should this application be considered by the SLA, CB2, Man, respectfully requests that this item be Calendared to appear before the Full Board of the SLA.

**3. Ogawa Sushi, Inc. d/b/a Ogawa Cafe, 36 E 4th St. 10003** (Beer Wine license, previously licensed location).

**A. Whereas**, the applicant appeared before CB2's SLA Licensing committee to present an application for a new restaurant wine license to operate a sushi restaurant on East 4<sup>th</sup> street within a mixed use six story building (Circa 1910); and

**B. Whereas**, the location was previously operated as the Ogawa Café, a Sushi restaurant with a Beer and Wine license and new owners are taking over the operation of the same business and it will continue to operate as the Ogawa Cafe; and

**C. Whereas**, the storefront premises is approximately 350 SF, with an additional 350 SF basement cellar with a storage room, walk-in cooler and some food preparation areas but not for patrons, with 5 tables with 14 seats, one sushi display case without seats for a total number of interior patron seats at 14, no stand up bar, there will be no TVs and music will be background only; and

**D. Whereas**, the hours of operation for the Restaurant will be from 10:30 AM to 11:30 PM Monday through Friday and from 1 PM to 11:30 PM on Saturdays and Sundays, and the premises will operate as a full service sushi restaurant but there will be no sidewalk café, there will be no d.j. or live music, no private parties, there will be no scheduled performances or events with a cover charge; and; and

**E. Whereas**, the applicant executed a stipulations agreement with CB2, Man. that they agreed would be attached and incorporated in to their method of operation on their BW license and the stipulations are as follows:

1. The premises will be advertised and operated as a sushi restaurant.

2. The hours of operation for the restaurant will be from 10:30 AM to 11:30 PM Monday through Friday and from 1 PM to 11:30 PM on Saturdays and Sundays seven days per week.
3. There will no outdoor space and no sidewalk café.
4. No French or accordion style doors will be installed at the premises and the applicant will close all exterior doors or windows by 9 PM every night.
5. Music will be quiet, background level inside the restaurant and there will be no live music, dj's, promoted events, 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, Tavern or Sports Bar.
7. There will be no pitchers of Beer or all you eat/all you can drink specials.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of a Beer and Wine license to **Ogawa Sushi, Inc. d/b/a Ogawa Cafe, 36 E 4th St. 10003** unless the statements of the applicant as presented to CB2, Man. 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 the Beer and Wine License.

**4. UBC LLC d/b/a t/b/a, 203 Mott St. Store #1 10012** (New Beer Wine License, previously unlicensed location)

**A. Whereas,** the applicant appeared before CB2's SLA Licensing committee to present an application for a Beer Wine license to operate a diner serving simple home-cooked meals and neighborhood take out within a mixed use five story building (Circa 1900) on Mott Street between Spring and Kenmare Streets; and

**B. Whereas,** the location has never operated with a license for the service of alcohol and was most recently used as an extension of the Lombardo's Restaurant but such use was not permitted and before that as an ice cream parlor; and

**C. Whereas,** the storefront premises is approximately 550 SF, the applicant will be renovating the space to add a full service kitchen with a bathroom, with 4 tables and 10 seats, there will be one food counter with 6 seats for a total number of interior patron seats at 16, there will be no stand up bar, there will be no TVs and music will be background only; and

**D. Whereas,** the hours of operation for the Restaurant will be from 11 AM to 11 PM seven days a week, the premises will operate as a full service, food-driven restaurant with take-out service to the neighborhood, the sidewalk café will close by 11 PM every night, there will be no d.j. or live music, no private parties, there will be no scheduled performances or events with a cover charge; and; and

**E. Whereas,** the applicant executed a stipulations agreement with CB2, Man. that they agreed would be attached and incorporated in to their method of operation on their BW license and the stipulations are as follows:

1. The premises will be advertised and operated as a Diner serving home cooked meals and take out to the local neighborhood.
2. The hours of operation for the restaurant will be from 11 AM to 11 PM seven days a week.
3. Sidewalk café will close by 11 every night.
4. No French or accordion style doors will be installed at the premises and the applicant will close all exterior doors or windows by 10 PM every night.
5. Music will be quiet, background level inside the restaurant and there will be no live music, dj's, promoted events, 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, Tavern or Sports Bar.
7. There will be no pitchers of Beer or all you eat/all you can drink specials.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a Beer and Wine license to **UBC LLC d/b/a t/b/a, 203 Mott St. Store #1 10012** **unless** the statements of the applicant as presented to CB2, Man. 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 the Beer and Wine License.

**5. Indorama, Inc. d/b/a Mirch Masala, 95 McDougal St. 10012** (Beer Wine License, previously licensed location)

**A. Whereas**, the applicant appeared before CB2’s SLA Licensing committee to present an application for a Beer Wine license to operate a Indian food restaurant with neighborhood take out within a mixed use five story building (Circa 1900) in a Historic District on McDougal Street between West 3rd and Bleecker Streets; and

**B. Whereas**, the current business has been operating in the current storefront location for 10 months and now seeks a license to serve beer and wine to their patrons; and

**C. Whereas**, the storefront location was previously operated as a Chinese Restaurant (Yummy Village) with a Beer Wine license; and

**D. Whereas**, the storefront premises is approximately 600 SF, a full service kitchen, one bathroom, with 9 tables and 18 seats for a total number of interior patron seats at 18, there will be no stand up bar, there will be no TVs and music will be background only; and

**D. Whereas**, the hours of operation for the Restaurant will be from 11 AM to 12 AM Sunday through Thursday and from 11 AM to 2 AM Fridays and Saturdays, the premises will operate as a full service, food-driven restaurant with take-out service to the neighborhood, there will be no sidewalk café, there will be no d.j. or live music, no private parties, there will be no scheduled performances or events with a cover charge; and

**E. Whereas**, the applicant executed a stipulations agreement with CB2, Man. that they agreed would be attached and incorporated in to their method of operation on their BW license and the stipulations are as follows:

1. The premises will be advertised and operated as a small Indian restaurant with take out to the local neighborhood.
2. The hours of operation for the restaurant will be from 11 AM to 12 AM Sunday through Thursday and from 11 AM to 2 AM Fridays and Saturdays.
3. There will be no Sidewalk café or other outdoor use or service.
4. No French or accordion style doors will be installed at the premises and the applicant will close all exterior doors or windows by 9 PM every night.
5. Music will be quiet, background level inside the restaurant and there will be no live music, dj’s, promoted events, 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, Tavern or Sports Bar.
7. There will be no pitchers of Beer or all you eat/all you can drink specials.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of a Beer and Wine license to **Indorama, Inc. d/b/a Mirch Masala, 95 McDougal St. 10012** 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 the Beer and Wine License.

**6. NYCPF, Inc., d/b/a Pommes Frites, 128 MacDougal St. 10012** (Beer Wine License, previously licensed location)

**A. Whereas**, the applicant appeared before CB2’s SLA Licensing committee to present an application for a Beer Wine license to operate a fast service restaurant specializing in French Fries or Belgium Pomme Frites within a mixed-use six-story building (Circa 1941) in a Historic District on McDougal Street between West 3rd and Bleecker Streets; and

**B. Whereas**, the storefront location was previously operated as the Luxor Lounge Hookah Bar with a Beer Wine license; and

**C. Whereas**, the storefront premises is approximately 800 SF, there is no full service kitchen but there is a plan to install three deep friers with the proper ventilation, there will be one bathroom, there will be a new window installed on the front façade, albeit with landmark approval that will be closed every night by 10 PM, there will be 4 interior tables and 8 seats, there will be one food counter with no seats for a total number of interior patron seats at 8, there will be no stand up bar, there will be no TVs and music will be background only; and

**D. Whereas**, the hours of operation for the Restaurant will be from 11 AM to 2 AM Sunday through Wednesday (excluding certain holiday weekends) and from 11 AM to 4 AM Thursday through Saturday, the premises will operate as a fast service, food-driven restaurant with take-out service to the neighborhood, there will be no sidewalk café, there will be no d.j. or live music, no private parties, there will be no scheduled performances or events with a cover charge; and

**E. Whereas**, the applicant requested the Beer Wine license because it seeks to serve types of beer imported from Belgium to enhance the patron experience but agreed that it would stop all alcoholic service by 1 AM every night, seven nights a week and thereafter executed a stipulations agreement with CB2, Man. that they agreed would be attached and incorporated in to their method of operation on their BW license and the stipulations are as follows:

1. The premises will be advertised and operated as a fast service restaurant specializing in French Fries.
2. All alcoholic sales will end promptly at 1 AM every night, seven nights per week.
3. The hours of operation for the restaurant will be from 11 AM to 2 AM Sunday through Wednesday (excluding certain holiday weekends) and from 11 AM to 4 AM Thursday through Saturday.
4. There will be no Sidewalk café or other outdoor use, seating or service.
5. No French or accordion style doors will be installed at the premises and the applicant will close all exterior doors or windows by 10 PM every night.
6. There will be no take out window for serving patrons on the outside/ exterior of premises.
7. Music will be quiet, background level inside the restaurant and there will be no live music, dj’s, promoted events, scheduled performances or any events for which a cover fee is charged.
8. There will be no televisions and the premises will not operate as a Bar, Tavern or Sports Bar.
9. There will be no upgrade to a full on premise license at the premises in the future.

10. In good faith, operator will provide all service to patrons within the premises and makes all reasonable efforts to prohibit wait lines from extending to the exterior of the premises.
11. Trash will be removed and outside of premises by closing.
12. Entire premises will operate under one d/b/a name.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a Beer and Wine license to **NYCPF, Inc., d/b/a Pommes Frites, 128 MacDougal St. 10012** **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 the Beer and Wine License.

Vote: Passed, with 41 Board members in favor, and 1 in opposition (D. Diether).

**7. 135 Tart LLC d/b/a Once Upon a Tart, 135 Sullivan St. (South 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 North Storefront and a small café restaurant in the South 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 6th application for a liquor license at these same premises (with previous applications heard in July & August/2014, January/2015, May/2015 and July/2015) and all prior applications with the exception of the July/2015 have resulted in a deny recommendation by CB2, Man.; and

**D. Whereas**, the July/2015 application was formerly withdrawn by the applicant at the applicant’s request and not presented to the SLA so that the applicant could return once again to CB2 Man.’s SLA Committee and submit the instant application instead of and as a replacement for the July/2015 application; and

**E. 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

**F. Whereas**, pursuant to City Zoning Regulations, all use changes to eating and drinking in such locations must be enclosed within the building and there can be no outdoor uses; and

**G. 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 6PM in the North and South Storefronts but also intend to change its method of operation in the South Storefront **only** to operate a small restaurant at night offering 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

**H. Whereas,** the South storefront is a 1,200 sf space, including 16 tables with 36 seats, no stand up bar, one bathroom, 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

**I. 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 but will not be included or any part of the current application, will close daily at 6PM and where the sale of alcohol will be prohibited and not permitted; and

**J. 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

**K. 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

**L. 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

**M. Whereas,** the same tenants appeared for the instant application and indicated that the current operator and applicants have over the last 30 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

**N. Whereas,** in the past members of CB2, 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

O. **Whereas**, while CB2, Man. once again has considerable concerns with how the operators will operate both storefronts serving alcohol as an eating and drinking establishment in the South 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 exterior 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

P. **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 not only prohibits sidewalk cafes for both premises but specifically states all use of the premises must be enclosed within the interior of the premises, and the applicant agreed to prohibit the outdoor seating in both storefronts as a part of his future method of operation incorporated into his beer/wine license for the South storefront; and

Q. **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 8 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

R. **Whereas**, residents in prior applications 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

S. **Whereas**, like the prior July/2015 application 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 South 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 North 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 appropriately designed to house these types of uses; and

**T. 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, pastry shop and small restaurant during the day and 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 South Storefront and not in the North 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 North 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. Any and all outdoor chairs or benches in front of either storefront will be removed by 6PM daily.
16. There will be no upgrade to a full on premise license at the premises in the future.
17. The North Storefront will not be licensed for the sale of alcohol in the future.

**U. 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. (South 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.

**8. 496 Laguardia Restaurant, Inc., d/b/a Mocha Burger, 496 LaGuardia Pl. 10012** (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 `Kosher Restaurant within a six story mixed use building (Circa 1954) in a Historic District on LaGuardia Place between West Houston and Bleecker Streets; and

**B. Whereas**, the premises was previously operated as a fast food, Five Guys Hamburger location and before that, a Japanese Sushi Restaurant but has never been licensed for the service of alcohol; and

**C. Whereas**, the premises is located in a 1,600 SF ground floor space and will have 4 tables and 24 seats, 11 tables and banquettes with 28 seats, 1 stand up bar with 8 seats for a total seating occupancy of 60, there will be a full service kitchen, one bathroom and one entrance/exit for patrons, no sidewalk café or outdoor space but there is a large roll down garage-style door that opens the entire front façade to the sidewalk; and

**D. Whereas**, the hours of operation will be from 11:30 AM to 12 AM Sunday through Wednesday and from 11:30 AM to 2 AM Thursday through Saturday, all doors and windows will be closed all times 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

**E. Whereas**, the applicant lacks any experience operating a restaurant, has never done so before and has never held a liquor license at any point in the past; and

**F. Whereas**, the applicant’s menu specializes in hamburgers with some sushi, satay and salads and the applicant has provided no public interest statement which distinguishes the instant application from the other already existing 37 licensed (not including beer and wine licenses) eating and drinking establishments within 500 ft. of the premises or by providing any coherent reasons why a full on-premise license was needed for a “family friendly restaurant” specializing in hamburgers; and

**G. Whereas**, the premises has never previously been licensed for the service of alcohol and in the past operated for years as a small fast food, take out location for the neighborhood closing by 11 PM every night, that the conversion of the premises to a full on-premise liquor license is unnecessary in a neighborhood already significantly saturated with liquor licenses and late night bars; and

**H. Whereas**, 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 district with no compelling reasons and the conversion of yet another premises to a full on-premise liquor license will also have a significant impact and greatly affect the quiet enjoyment of surrounding residential neighbors and will infringe upon and/or change the quality of life of neighbors by adding yet another such a licensed premises to the existing neighborhood; and

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial for **496 Laguardia Restaurant, Inc., d/b/a Mocha Burger, 496 LaGuardia Pl. 10012** on its application for a full restaurant on premises liquor 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 the Commissioners may review the recommendation of CB2 Man.

**9. Moe Larry Cheese, LLC. d/b/a t/b/a, 138 Lafayette St. 10012** (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 Restaurant serving breakfast, brunch, lunch and dinner on the ground floor of an eleven story hotel (Circa 1961) on Lafayette Street between Howard and Canal Streets; and

**B. Whereas**, the premises was previously vacant retail space and has never been licensed for the service of alcohol or operated as an eating and drinking establishment, the Hotel being previously operated as the Holiday Inn Downtown since 2005 but recently having been sold and changed to new ownership as the Soho Hotel; and

**C. Whereas**, the ground floor premises is located in a 4900 SF ground floor space (3900 SF ground floor and 1000 SF 2<sup>nd</sup> floor Storage) with 39 tables and 108 seats, 1 stand up bar with 4 seats for a total seating occupancy of 112, a full service kitchen, two bathrooms and one exterior entrance/exit for patrons on Howard Street, no sidewalk café or outdoor space; and

**D. Whereas**, the hours of operation will be from 7 AM to 1 AM Sunday through Tuesday and from 7 AM to 2 AM Wednesday through Saturday, 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

**E. Whereas**, the applicant performed outreach with his immediate neighbors and a number of those immediate neighbors appeared in opposition to the proposed restaurant, but such opposition was in conjunction with the additional, albeit separate changes and alteration application by the new Soho Hotel at the same location and were generally concerned with the late night hours until 2 AM; and

**F. Whereas**, the applicant has extensive experience operating restaurants in NYC and other Cities on the East Coast and produced a public interest statement evidencing a Certificate of Occupancy use group 6 permitting eating and drinking, demonstrating that it will not install any windows or doors that open out to the outside in the future, will keep its operations to the interior of the premises and agreed not to unreasonably increase the existing noise levels in the neighborhood; and

**G. Whereas**, there are 7 other licensed locations (not including beer and wine licenses) within 500 ft. of the premises; and

**H. Whereas**, the applicant executed a stipulations agreement with CB2, 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 Restaurant with a full service kitchen.
2. The hours of operation will be from 7 AM to 1 AM Sunday through Tuesday and from 7 AM to 2 AM Wednesday through Saturday.
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 1 stand up bar with four seats.
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.
12. Will operate the entire premises under one d/b/a (doing business as) name.
13. There will be only one exterior entrance/exit for patrons on Howard Street.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a Restaurant On Premise Liquor License for **Moe Larry Cheese, LLC. d/b/a t/b/a, 138 Lafayette St. 10012** **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.

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

**10. Ambleside Partners, LLC d/b/a Pravda, 281 Lafayette St. 10012** (alteration to existing on-premise license) (laid over)

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on August 11, 2015, the principal/applicant requested **to lay over** this application from consideration and did not appear before CB2 regarding its application; and,

**Whereas**, this application is for a on premise liquor license;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any proposed Beer and Wine or On Premise license to **Ambleside Partners, LLC d/b/a Pravda, 281 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.

11. **22 Howard Street F&B LLC, d/b/a Smile To Go, 22 Howard St. 10013** (RW laid over at request of applicant, previously unlicensed location)

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on August 11<sup>th</sup>, 2015, the principal/applicant requested to lay over 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.

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

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 11<sup>th</sup>, 2015, the Applicant's attorney requested to withdraw 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.

13. **La Frite Corp., d/b/a La Frite, 99 MacDougal St. Upper South Store 10012 (Beer Only)** (No Show and did not appear)

**Whereas**, the Applicant failed to appear before CB2, Manhattan's SLA Licensing Committee Meeting on August 11<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 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.

14. **Mookambika Group, Inc., d/b/a Masala Times, 194 Bleecker St. 10012** (Beer Wine, withdrawn)

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on August 11<sup>th</sup>, 2015 the principal/applicant requested to layover/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 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.

15. **Saigon Project, Inc. d/b/a Saigon Shack, 17 Waverly Pl. 10003 (New OP – Lay Over)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 11<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 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 **Saigon Project, Inc. d/b/a Saigon Shack, 17 Waverly 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.

16. **Corp. to be formed: Pietro Wuaglin, Aleim Johnson, d/b/a Pietro's, 238 Lafayette St. 10012**  
(New OP – Withdrawn)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 11<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 **Corp. to be formed: Pietro Wuaglin, Aleim Johnson, d/b/a Pietro's, 238 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.

**17. Spring Soho, Inc. d/b/a Spring St. Natural Restaurant & Bar, 98 Kenmare St. 10012 (New OP – Withdrawn)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on August 11<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 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 **Spring Soho, Inc. d/b/a Spring St. Natural Restaurant & Bar, 98 Kenmare 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.

**18. HHLP Union Square, LLC, Hersha Hospitality Mgmt. LP as Mgr. & 132 4th Ave. Restaurant LLC as Mgr, d/b/a Hyatt Union Square, 73 E. 13th St. 10003 (OP alteration – add additional sidewalk café)**

**i. Whereas**, the Licensee appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an “alteration” application to the Liquor Authority for their existing On-Premise Liquor License SN#1264972 to expand on 13<sup>th</sup> Street by adding a NYC Department of Consumer Affairs Licensed Sidewalk Café consisting of 14 tables and 32 seats to the Licensed Premises; and,

**ii. Whereas**, the “alteration” application will reflect only the addition of a NYC Department of Consumer Affairs Licensed Sidewalk Café on 13<sup>th</sup> Street consisting of 14 tables and 32 seats to the premises as presented to CB2’s Sidewalks & Street Activities Committee in June/2015 and CB2’s SLA Licensing Committee and indicated in provided diagrams and plans; and,

**iii. Whereas**, the Licensee executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA along with their current “Alteration” application and agreed that they would be additionally attached and incorporated in to the method of operation on the current restaurant on-premise liquor license SN#1264972 stating that:

1. The hours of operation for the sidewalk café being added will be from 7AM to 10PM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing time in sidewalk café.
2. The sidewalk café will be operated no later than 10PM 7 days a week. All tables and chairs will be removed at this hour.
3. All existing stipulations will remain in effect. This alteration application is to add a DCA Licensed sidewalk café with 14 tables and 32 chairs on 13<sup>th</sup> St.

**iv. Whereas**, the Licensee submitted a petition with signatures from area residents in support;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the Alteration Application for the existing Restaurant On-Premise Liquor License SN#1264972 for **HHLP Union Square, LLC, Hersha Hospitality Mgmt. LP as Mgr. & 132 4th Ave. Restaurant LLC as Mgr., d/b/a Hyatt Union**

**Square, 73 E. 13th 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 further incorporated into the “Method of Operation” on the SLA Restaurant On-Premise Liquor License.

**19. Bar Belle, LLC, d/b/a Henrietta Hudson, 438 Hudson St. 10014 (New OP)**

**i. Whereas**, the Applicants appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new on-premise liquor license for a neighborhood bar; the two principals in this application are principals in the currently licensed establishment (West End Kids, Inc.) at this location; the reasons for a new OP liquor license were to resolve ongoing litigation between principals in the current/previous licensed premise (West End Kids, Inc.); other than some minimal cosmetic changes there will be no changes to the method of operation as it currently exists; and

**ii. Whereas**, this application is for a new on-premise liquor license for a location in a mixed use building located on the Northeast corner of Hudson St. and Morton St. for a roughly 1,209 sq. ft. premise with 3 tables and 6 seats and 2 stand up bars with 19 seats (6 seats at Bar 1 and 13 seats at Bar 2) for a grand total of 57 interior seats, there is an existing Certificate of Occupancy and Place of Assembly Permit which states a maximum occupancy of 118 persons; and,

**iii. Whereas**, the hours of operation will be Sunday from 2PM to 2AM, Monday to Tuesday from 5PM to 2AM, Wednesday to Saturday from 4PM to 4AM (No patrons shall remain after the closing hour), music will be by DJ and at entertainment levels, all doors and windows will be closed at 10PM every night and anytime there is amplified music, there will be a d.j., in house promoted events (no outside promoters), there will be cover fees only on Fridays and Saturdays, there will be no velvet ropes, no movable barriers, there will be 2 TV’s no larger than 46 inches; and,

**iv. 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 new on-premise liquor license stating that:

1. The premises will be advertised and operated as a neighborhood bar.
2. The hours of operation will be Sunday from 2PM to 2AM, Monday to Tuesday from 5PM to 2AM, Wednesday to Saturday from 4PM to 4AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will have no more than 2 televisions, no larger than 46 inches (there will be no projectors).
4. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
5. The premises will employ a doorman/security personnel 7 days a week.
6. The Premises will not have French doors, operable windows or open facades and will close all doors by 10PM every night.
7. There will be no outside promoters ever.
8. There will only be cover charges on Friday and Saturday Nights only.
9. There is no sidewalk café included in this application.

**v. Whereas**, the application is consistent with the currently licensed premises and there are no known open issues with the currently licensed establishment in which the two principals are also principals; the applicant submitted a petition with signatures from area residents in support; and,



**vi. Whereas**, there are currently approximately 11 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 On Premise Liquor License for **Bar Belle, LLC, db/a Henrietta Hudson, 438 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 On Premise Liquor License.

**Vote: Passed, with 41 Board members in favor, and 1 in opposition (D. Diether).**

**20. Patlar Corp. d/b/a Barrow’s Pub, 93 Barrow St. 10014 (renewal of OP License SN1025629)**

**i. Whereas**, at the request of members of the community in order to address specific complaints, the renewal application for Patlar Corp. d/b/a Barrow’s Pub, 93 Barrow St. 10014 was placed on the agenda of both the July and August CB2, Manhattan’s SLA Licensing Committee Meetings; and

**ii. Whereas**, the *Licensee failed to appear in both July/2015 and August/2015* after being requested to appear and also did not send a representative to this meeting to address these concerns; and,

**iii. Whereas**, CB2, Man. received correspondence outlining the specific problem resulting in significant quality of life issues with local resident(s) which the Licensee was having trouble addressing on a final basis, which is a failure to remove speakers which are mounted to a party wall/ceiling with residential neighbors between 459 and 463 Hudson St. and to maintain a volume of other speakers such that there is no sound leakage above NYC Noise Codes; and,

**iv. Whereas**, the Licensee had told a representative of former Councilmember Christine Quinn’s Office who was assisting in this matter that she had removed the offending speakers from the party wall (this was several years ago), but this was not the case according to the local resident and he also stated that the Community Affairs Detective from the 6<sup>th</sup> Precinct and members of the Cabaret Unit had also recently seen that the speakers have not yet been removed; it is also quite obvious to the residential neighbors that their continues to be an issue because during irregular special events/parties the music volume is excessive and easily audible in adjoining apartments well into the night; and,

**v. Whereas**, a local resident spoke and stated that he had sent a registered letter to the Licensee in February/2015 which outlined long running complaints dating to 2010 which the Licensee was choosing to ignore, specifically the issue as it pertained to the speakers on the party wall and to excessive noise levels; and,

**vi. Whereas**, additional complaints include doors being left open past 10PM which results in music audible at night outside the establishment and groups of patrons from the establishment loitering and sitting on adjacent residential steps; it was also stated that the Pub did not have appropriate security monitoring the outside conditions; and,

**vii. Whereas**, when Licensees fail to appear before CB2, Man. when requested to do so in order to resolve issues with local members of the community, the perception and reality is that the Licensee is simply not willing to address reasonable requests or to professionally manage their establishment and comply with the law and it brings the question of whether they should be able to continue the privilege of maintaining a liquor license;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any current or future renewals of the existing on-premise liquor license for **Patlar Corp. d/b/a Barrows Pub, 93 Barrow St. 10014** until the Licensee fully resolves the above stated concerns and re-appears before CB2 Manhattan to resolve any additional issues.

**21. 305 Bleecker Food Market, LLC, d/b/a TBD, 305 Bleecker St. a/k/a 88 7<sup>th</sup> Ave South 10014**

**i. 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 that is not currently licensed, but that has been licensed in the past, for a gourmet food market, restaurant with small plates and gourmet food wine and cocktail bar as presented; and,

**ii. Whereas**, this application is for a new restaurant on-premise liquor license for a location in a mixed use building with entrances at both 305 Bleecker St. and 188 7<sup>th</sup> Ave South (it diagonally crosses the block but it is not the corner location) for a roughly 1171 sq. ft. premise (with accessory basement – no patron use except for bathrooms) with 12 tables and 49 seats (32 of seats are located in enclosed sidewalk café) and 1 stand up bar with 14 seats for a grand total of 63 seats, this application also includes a currently licensed DCA enclosed sidewalk café which has 8 tables and 32 seats which will be assigned to the current applicant, there is an existing Certificate of Occupancy; and,

**iii. Whereas**, the hours of operation will be from 10AM 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), there will be no speakers in the enclosed sidewalk café, 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; and,

**iv. 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 gourmet food market, restaurant with small plates and gourmet food wine and cocktail bar as presented to CB2.
2. The hours of operation will be from 10AM 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 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. This will be an entirely food driven operation.
11. The whole space will be operated under one business name (d/b/a name).
12. The licensee will not reduce the food menu/style/kitchen or depth of the presented menu.

13. The market place area will occupy at least 30% of the floor space.
14. This application includes an enclosed DCA licensed sidewalk café.

**v. Whereas**, the Applicant presented a petition, attempted to reach out to several block associations and met with 1 block association, a representative of that block association appeared and stated their concerns in particular that there was some concern that this establishment would morph into a bar, but they stated that the stipulated hours of operation alleviated this concern along with the other agreed to stipulations; of the 3 principals, 2 have previously been principals of licensed premises, including 1 principal who held a restaurant wine license within the confines of CB2, Man. and the principals have experience running various aspects of previous businesses which complements this method of operation; and,

**vi. Whereas**, there are currently approximately 31 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 **305 Bleecker Food Market, LLC, d/b/a TBD, 305 Bleecker St. a/k/a 88 7<sup>th</sup> Ave South 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.

**22. Juicerie 3, LLC, d/b/a The Butcher’s Daughter, 581 Hudson St. 1001**

**i. Whereas**, the Applicant appeared before CB2, 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 vegetarian restaurant café and juice bar serving breakfast, lunch and dinner; and

**ii. 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 1,920 sq. ft. premise (1,020 sq. ft. first floor patron use, 900 sq. ft. basement no patron use) with 10 tables and 26 seats and 1 stand up bar with 8 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

**iii. Whereas**, the hours of operation for the interior of the premises will be Sunday to Wednesday from 8AM to 11PM and Thursday to Saturday from 8AM to 12AM (No patrons shall remain after the closing hour), the Sidewalk Café will close no later than 11PM 7 days a week (there will be no patrons in the sidewalk café after 11PM 7 days a week) 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,

**iv. 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 full service vegetarian restaurant café and juice bar serving breakfast, lunch and dinner.
2. The hours of operation will be Sunday to Wednesday from 8AM to 11PM and Thursday to Saturday from 8AM to 12AM. 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 close no later than 11PM 7 days a week. There will be no patrons in the sidewalk café after sidewalk café closing at 11PM.
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 & 9 tables).

v. **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; the Applicant also currently operates a similar establishment within CB2 at another location with a restaurant wine license; and,

vi. **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 **Juicerie 3, LLC, d/b/a The Butcher’s Daughter, 581 Hudson St. 1001** **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.

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

**23. 62 Greenwich, LLC, d/b/a Greenwich Steak House FG, 62 Greenwich Ave. 10011 (new Restaurant OP)**

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

**Whereas**, there is community opposition and a number of community members submitted testimony in opposition and also appeared and spoke in opposition; there are also a number of issues and questions in regards to Department of Buildings filings (or lack thereof), occupancy issues and unapproved construction work, landmark violations and concerns regarding outdoor areas and ventilation in addition to other issues,

**THEREFORE BE IT RESOLVED** that CB2, 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 **62 Greenwich, LLC, d/b/a Greenwich Steak House FG, 62 Greenwich Ave. 10011** until the Applicant has presented their revised 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.

**24. VC Chef, LLC, d/b/a TBD, 306 W. 13th St. 10014 (New Restaurant OP)**

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 13<sup>th</sup>, 2015, the Applicant requested to withdraw this application for a new restaurant on-premise liquor license and will provide proper notice to CB2, Man. and submit a new application for consideration at a future CB2 SLA Licensing Committee meeting for a restaurant wine license; and

**Whereas**, there is community opposition;

**THEREFORE BE IT RESOLVED** that CB2, 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 **VC Chef, LLC, d/b/a TBD, 306 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.

**25. Himi NY Corporation, d/b/a Hakata Ton Ton, 61 Grove St. 10014 (Restaurant OP Alteration – expansion of premises)**

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 13<sup>th</sup>, 2015, the Applicant requested to layover this application for an alteration application for an existing restaurant on-premise liquor license to expand the existing 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 CB2, Man. strongly recommends that the SLA deny any type of proposed alteration to any existing on premise liquor license, corporate change, class change, transfer, or changes to any existing license for **Himi NY Corporation, d/b/a Hakata Ton Ton, 61 Grove 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.

**30. Nix LLC, 72 University Pl. 10003 (transfer – Restaurant OP)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 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 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 **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.

**31. 13th Street Holdings LLC, 409 W. 13th St. 10014 (transfer OP)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 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 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.

**32. Prime 135 NYC, LLC d/b/a Prime 135, 135 7th Ave. So. 10014 (Upgrade RW to Restaurant OP)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 13<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; and

**Whereas**, there is community opposition;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed upgrade from a restaurant wine license to an on-premise liquor license, corporate change, any other class change, alteration, transfer, or changes to any existing license for **Prime 135 NYC, LLC d/b/a Prime 135, 135 7th Ave. So. 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.

**16. BKUK 5 Corp, d/b/a TBD, 57 7th Ave. So. 10014 (withdrawn – new Restaurant OP)**

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 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 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 **BKUK 5 Corp, d/b/a TBD, 57 7th Ave. So. 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.

**STANDING COMMITTEE REPORTS**

**BY-LAWS**

**PLEASE SEE PAGE 75 FOR BY LAWS DOCUMENT AND SEE THE LAST PAGE FOR VOTES ON AMENDMENTS.**

**LANDMARKS AND PUBLIC AESTHETICS**

**1<sup>ST</sup> LANDMARKS MEETING**

**1. - 398 West Broadway (Spring/Broome) - SoHo-Cast Iron Historic District Extension.** A dwelling built in c. 1829 with later alterations. Application is to install awnings and planter boxes.

Whereas, there is presently a gigantic green banner on the building, seemingly without an LPC permit; and

Whereas, this business has already applied for, and received, a permit to paint the building its peculiar corporate green color, drawing undue attention to itself already; and

Whereas, the proposed retractable awning to preserve the baked goods is understandable and historically inspired; but

Whereas, the proposed fixed awnings on all the windows on the upper floors serve no purpose except as decoration inappropriate in this mixed-use district. The need to block the sun could easily be obviated the way others on the upper floors do – with interior shades; and

Whereas, the proposed flower boxes on the windows of the upper floors are likewise incongruous within this historic district, particularly since the applicant proposes not to have any flowers in them. This prettification is historically inappropriate, not to mention a bit surreal; now

Therefore, be it resolved that CB2, Man. recommends approval of the single retractable awning to protect the merchandise, but categorically recommends denial of the flower boxes and fixed awnings on the upper floors, incongruous elements seen nowhere in the historic district; and, further,

**Be it resolved**, that LPC staff investigate whether the building has received a permit for the gargantuan banner obstructing the view of this demure 1829 building.

Vote: Unanimous, with 42 Board members in favor.

**2. - 248 Lafayette Street, aka 87 Crosby Street** (Prince/spring) - SoHo-Cast Iron H.D. Extension  
A Renaissance Revival style store & loft building designed by C. Abbott French, built in 1900.  
Application is to install storefront infill and an accessible lift.

**Whereas**, the restoration work on both facades is commendable; now

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

Vote: Unanimous, with 42 Board members in favor.

**3. - 462 Broadway** (n.e. Grand) - SoHo Cast-Iron Historic District. A French Renaissance Revival style store and loft building, designed by John Correja and built in 1879-80.  
Application is to establish a master plan for future replacement of storefronts, and signage

**Whereas**, the proposed facade work is well thought out and will restore the building to a more historic condition; but

**Whereas**, the proposal to uplight the pilasters and downlight onto the sidewalk is not historically justified, and also draws undue attention to the building; and

**Whereas**, the proposal for awnings is too vague and could result in as many as 26, one for each window, a case of overkill; and

**Whereas**, the existing number of flagpoles is more than sufficient, and any additional flagpole would detract from the architecture of the building; and

**Whereas**, there should be no more than two blade signs per ground-floor tenant and they should not be illuminated; now

**Therefore, be it resolved** that CB2, Man. recommends approval of the facade work, but recommends:

- no additional flagpoles
- one awning per store
- not more than two blade signs per store
- denial of illumination onto the blade signs
- denial of the uplighting and downlighting on the façade

Vote: Unanimous, with 42 Board members in favor.



**4. - 1-11 Astor Place, aka 754 Broadway, 108-134 East 8th Street** - NoHo Historic District. A neo-Grec style hotel, boarding house and store building designed by Starkweather & Gibbs and constructed in 1881-1883, and a Classical Revival style office building designed by W. H. Gompert and built in 1908-1909. Application is to completely replace windows of 1 Astor Place and 754 Broadway with new, non-historic windows matching the existing window frame configuration.

**Whereas**, we approve the window replacement but more sensitivity should be shown to the shape of the glass center-section of the arched windows. That is, their shape should echo the arch structure of the window opening; now

**Therefore, be it resolved** that CB2, Man. recommends general approval of this application, but recommends that the shape of the glass in the center section should echo the arch structure of that window opening.

Vote: Unanimous, with 42 Board members in favor.

**5. - 305 Canal Street** (n.w. Broadway) SoHo Cast-Iron Historic District. An Italianate style store and loft building constructed c. 1863. Application is to review and continue working under a master plan for a painted wall sign that was previously approved.

**Whereas**, there have been no complaints about the existing signage and this application wishes to continue with that successful master plan; now

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

Vote: Unanimous, with 42 Board members in favor.

**6. - 60 Grand Street** (n.e. W. Bdwy) SoHo Cast-Iron Historic District. A neo-Classical style building designed by Cleverdon and Putzel and built in 1895-96. Application is to review and continue working under a master plan for a painted wall sign that was previously approved.

**Whereas**, there have been no complaints about the existing signage and this application wishes to continue with that successful master plan; now

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

Vote: Unanimous, with 42 Board members in favor.

**7. - 351 Canal Street** (n.e. Wooster) - SoHo Cast-Iron Historic District. Application is to restore cast iron platform and glass sidewalk; replace concrete sidewalk; remove sections of the sidewalk platform; restore cast iron columns and storefront infill.

**Whereas**, the applicant posits that lowering the cast-iron panels on the bulkhead of the façade some two feet — thus enlarging the display window to the benefit of the landlord’s retail customer — is historically appropriate; and

**Whereas**, the concrete sidewalk replacement is nice, but not much of an LPC issue — rather more a DOT concern; and

**Whereas**, the restoration of the cast-iron platform and steps is long overdue, as they are beginning to rust and deteriorate; but

**Whereas**, we do not understand how the portion of the application that requests destruction of part of the cast-iron platform to accommodate a new street-level door could ever be considered “restoration”; and

**Whereas**, the applicant did not offer any ADA alternative: such as a lift alongside the stairs at the end of the platform, or a waiver, to suggest just two; now

**Therefore, be it resolved** that CB2, Man. recommends approval to lower the cast-iron panel at the façade’s bulkhead, but, further

**Be it resolved** that CB2, Man. recommends denial of the application to destroy the material, design and harmony of iconic SoHo elements: the metal platform, the steps and the vault lights in several places on both sides of this attractive building.

Vote: Passed, with 36 Board members in favor, 4 in opposition (T. Bergman, C. Dawson, R. Sanz, F. Siegal), and 2 abstentions (D. Diether, E. Young).

**8. - 399 West Broadway aka 156-162 Spring Street** - SoHo Cast-Iron Historic District. A group of four Federal style buildings built in 1819 and a commercial building built c. 1860. Application is to replace storefronts at the ground floor level, restoration of the upper stories - including stripping of paint, repointing of masonry, repair of fire escape and new wood windows with historic profiles.

**Whereas**, this application took a foundation that had character and interest, and homogenized it to something without historical reference; and

**Whereas**, this proposal seeks to vastly increase the size of the windows well beyond historic proportions – simply to facilitate the retail trend; and

**Whereas**, due to the lack of historical evidence from the applicant showing the original condition of this building, the applicant now seeks to remove any historical references; now

**Therefore, be it resolved** that CB2, Man. recommends approval of the paint stripping, repointing, fire-escape repair, and new windows; but, further

**Be it resolved** that CB2, Man. strongly recommends denial of this ill-conceived proposal that would remove the storefront from any semblance of its original style, proportion, configuration and rhythm just to accommodate a new retail client’s wishes – an.

Vote: Unanimous, with 42 Board members in favor.

**9. - 75 Greene Street** (Broome/Spring) – SoHo Cast-Iron Historic District. A cast iron store building designed by Henry Fernbach and built in 1876-1877. Application is to propose a new storefront alteration and signage and legalize a storefront alteration.

**Whereas**, absence of the muntin on the display window does not detract from this building; but

**Whereas**, this is a jewel box of a store. A neoteric element like a 3-D image two inches from the display window draws far too much attention to itself, detracting from the building and the historic district; and

**Whereas**, approval of this holographic advertising medium will encourage other retailers to increasingly and garishly illuminate the district; now

**Therefore, be it resolved** that CB2, Man. recommends approval of the muntin legalization and vehemently recommends denial of the 3-D advertising holograph in the display window.

Vote: Unanimous, with 42 Board members in favor.

**10. - 49 Bond Street** (Lafayette/Bowery) - SoHo Cast-Iron Historic District. A Federal/Greek Revival style residence built c. 1830 and altered c. 1882. Application to enlarge existing window to create a double door and create a small terrace on 3rd floor in the rear.

**Whereas**, the new balcony and the older one added without an LPC permit do not detract from the building or the district; but

**Whereas**, they do not match in style; now

**Therefore, be it resolved** that CB2, Man. recommends approval of this application if the proposed terrace matches the existing terrace in style and materials.

Vote: Unanimous, with 42 Board members in favor.

## 2<sup>ND</sup> LANDMARKS MEETING

**11 - 36 W. 10th St.** - Application is to modify existing front facade to restore original detailing, rails, and cornice, amendment of Certificate of No Effect to slant rather than step roof above the cornice, and rebuild the rear wall with salvaged brick and enlarged openings.

### **Whereas:**

A. The front façade, which has been stripped of much of its detail, is to be restored to resemble the original condition using the neighboring, matching buildings' historic details as reference; and

B, The slanted roof is obscured by the parapet; and

C. Details of the actual materials and design were not provided in the presentation, and therefore it is not possible to determine that the references are to be translated in a careful, elegant manner; and

D. The rear facade work involves destruction of historic fabric in that the new window sizes range from enlarging the windows on the upper levels to amounts of glazing that constitute window walls in the parlor, ground and basement levels; and

E. The size and outward opening casement style windows have no historical reference and are totally out of scale for the narrow facade; and

F. The double height window between the parlor and ground floors completely obliterates the division between these two floors; now

**Be it resolved**, that CB2, Man. recommends approval of the front facade restoration provided that it is done with care for details using correct materials and refined workmanship; and

**Be it further resolved**, that denial is recommended for the windows in the rear facade and that historically correct windows in existing original openings or openings of historic size and spacing where alteration has occurred are recommended in order to preserve the character of this facade.

Vote: Unanimous, with 42 Board members in favor.

**12. - 17 Commerce St. - Application is to extend the rear yard roof dormer and add new AC units on the rear yard roof dormer.**

**Whereas:**

A. The wide dormer on the rear roof in the same material and style as the existing front dormer is in keeping with the building and with the neighborhood; and

B. The air conditioning equipment installed on the roof does no harm to the structure; and

C. The dormer and the equipment are not visible from a public thoroughfare; now

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

Vote: Unanimous, with 42 Board members in favor.

**13. - 323-25 Sixth Ave., 323 Sixth Ave., 14-16 Cornelia St. [IFC Theater]:** Three related applications for the construction of an addition to the IFC Center. The addition will be constructed on the vacant lot located at 14-16 Cornelia Street (Lot 19) and will require alterations to the rear of the existing theater complex (Lots 30 and 31). The application also includes modifications to the ticket booth and entrance at 323-5 Sixth Ave.

**Whereas:**

A. The entry level of the Sixth Avenue facade is to be minimally altered for the purpose of easing passage into and from the lobby and the proposal is similar in materials, glazing and overall appearance to the present condition; and

B. Cornelia Street is a typical village lane with a variety of residential buildings and, in mid-block, small shops and restaurants located in residential buildings that collectively create the character and sense of place specific to this streetscape and reference surrounding historic district; and

C. The less harmonious commercial storefronts and buildings are confined to the extreme ends of the street on the corners of West 4th. Street and Bleecker Street; and

D. The proposed Cornelia Street facade is divided into base, middle and top and respects the street wall, the height, massing and cornice line of the adjacent buildings and obscures from view the new mechanical equipment behind a parapet; and

E. The proposed materials are brick panels which reference the color of the façade to the north and the back painted, semi-reflective glass panels which reference the windows of the adjoining buildings; and

F. The overall building mass and materials of the upper floors are individually compatible with this historic district, however the aggressive composition of the façade elements are not harmonious with the established scale, rhythm, proportion, ornament, and architectural character of this street and the district; and

G. The base of the building, composed primarily of fretted glass with metal frames and bulkheads, is distinctly horizontal and flat and lacks the small scale, details, textures, and other three dimensional elements including the prevalence of wooden frames, moldings and bulkheads that create the contextual, pedestrian friendly rhythm of this block; and

H. The middle of the facade appears to sit directly on the ground level facade without the delineation of a water table or similar element referenced from neighboring buildings and gives the appearance of unsupported upper stories; and

I. The facade lacks horizontal and vertical delineation and, especially, the lack of any vertical element referencing the two separate buildings that previously occupied the site; and

J. The cornice appears incomplete with the appearance of having been shorn off where there is ample reference for an overhanging cornice to blend with the projection of the cornices on the adjoining buildings; and

K. The lack of these details and references give the design an unfriendly, massive and industrial appearance that intrudes and calls undue attention to itself as alien presence on a remarkably preserved Village street; and

L. There was considerable opposition to the Cornelia street façade by members of the community, the block association, and the Greenwich Village Society for Historic Preservation and there was support from independent film makers which generally addressed the idea of the addition to the existing building with comments better suited to a land use review deliberation than to landmarks concerns; now

**Therefore, be it resolved** that CB2, Man. recommends approval of the application for the changes in the Sixth Avenue Facade; and

**Be it further resolved**, that approval is recommended for the massing and the general design of the brick and glass panels on the Cornelia Street faced; and

**Be it further resolved**, that **denial** is recommended of the Cornelia Street facade with respect to the street level, the upper facade, and the parapet as detailed in numbers G through K and request that the revised design be resubmitted for CB2 review ahead of consideration by the Landmarks Commission; and

**Be it further resolved**, that the foregoing recommendations are only with respect to the Landmarks application and are not to be regarded as taking a position concerning the zoning and land use issues associated with this application and that if zoning and land use decisions necessitate changes in this application, as presented, that the revised design be presented to the Committee for its review in the usual manner ahead of consideration by the Landmarks Commission.

Vote: Unanimous, with 42 Board members in favor.

## NOMINATING COMMITTEE REPORT

The Committee has been informed by District Manager Bob Gormley that the following individuals have nominated themselves for election to office:

- Antony Wong (Treasurer)
- Keen Berger (Secretary)

Additional nominations will be taken from the floor at the October Full Board meeting.

### Draft Election Plan

The Election Coordinating Committee will work with the CB2 office to prepare ballots for distribution at the November Full Board meeting.

## SIDEWALKS/STREET ACTIVITIES

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

**RPB Partners, LLC, d/b/a Sweet Corner Bakeshop, 535 Hudson St., with 6 tables & 12 chairs (11056-2015-ASWC)**

**Whereas**, the area was posted, applicant's owner/baker, Ridolfo Goncalves, was present and stated that he has been operating the bakery for 2 ½ years, closes his business every day at 8 p.m. and does not serve or plan to serve alcohol; and

**Whereas**, some neighbors appeared and complained, in general, about congestion along Hudson Street but had no complaints about this applicant in particular; and, one neighbor stated that the applicant is a good neighbor and provides benches for customers; and

**Whereas**, applicant's agreed to reducing the café 4 tables and 8 chairs and close the café at 8 p.m. every day;

**THEREFORE, BE IT RESOLVED**, that CB2, Man. recommends **APPROVAL** of a new application for revocable consent to operate an unenclosed café to **RPB Partners, LLC, d/b/a Sweet Corner Bakeshop, 535 Hudson St., with 4 tables and 8 chairs (11056-2015-ASWC)**

VOTE: Unanimous, with 42 Board Members in favor.

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

**Bar Giacosa Corp. d/b/a Il Pittino, 270 Sixth Ave., with 6 tables & 12 chairs (11811-2015-ASWC)**

**Whereas**, there is no restaurant/bar currently in operation at 270 Sixth Ave. which is formerly a salon and has been empty for more than one year; and

**Whereas**, the proposed café will be located within the boundaries of an approved, fully designed and funded, but not yet constructed, Department of Parks park/community plaza beginning at the corner of Bleecker St. in front of Little Red School, extending southerly on Sixth Avenue in front of 270 Sixth Ave. and continuing along the Bar Pitti and De Salvano cafes to the northern end of Passannante Park on Sixth Ave.; and

**Whereas**, this project shall consist of reconstruction of pavements, fencing, plantings and general site work and construction shall commence in the spring of 2016 and continue for approximately 12 months; and

**Whereas**, CB2, Man. participated in the scoping meeting of this park in or about February 2014 when design commenced;

**THEREFORE, BE IT RESOLVED**, that CB2, Man. recommends **DENIAL** of a new application for revocable consent to operate an unenclosed café to **Bar Giacosa Corp. d/b/a Il Pittino, 270 Sixth Ave., with 6 tables & 12 chairs (11811-2015-ASWC)**.

VOTE: Unanimous, with 42 Board Members in favor.

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

**643 Broadway Holdings LLC, d/b/a Bleecker Kitchen & Co., 643 Broadway with 4 tables & 8 chairs (5646-2015-ASWC)**

**Whereas**, the area was posted, applicant's managing-member, Josh Berkowitz, was present and Bill Lipschutz, President of 77 Bleecker St. Corp. and a Board Member appeared in opposition; and

**Whereas**, applicant previously signed an Memorandum Of Understanding with the 77 Bleecker St. Corp. and entered into a Stipulations Agreement with CB2, Man. wherein he waived his right to apply for a sidewalk café presently or in the future, the specific language in the Agreement is that "they will not apply for a sidewalk café license at present or at anytime in the future"; and

**Whereas**, this stipulation, which was agreed to and executed by the applicant, was based on a determination that the issuance of an On-Premise Liquor License by the New York State Liquor Authority (SLA) would not be in the public interest if a sidewalk café were included as part of the premises because of the congested sidewalks, traffic conditions, entrances into the establishment, and other concerns raised by residential neighbors; and

**Whereas**, these Stipulations were included by the SLA as part of the "Method of Operation" incorporated into the Applicant's On-Premise Liquor License; and

**Whereas**, the Applicant has not applied to the SLA for an alteration to amend the stipulations;

**THEREFORE, BE IT RESOLVED**, that CB2, Man. recommends **DENIAL** of a new application for revocable consent to operate an unenclosed sidewalk café for **643 Broadway Holdings LLC, d/b/a Bleecker Kitchen & Co., 643 Broadway with 4 tables & 8 chairs (5646-2015-ASWC)**; and,

**THEREFORE BE IT FURTHER RESOLVED**, that should the Department of Consumer Affairs (DCA) consider approving an unenclosed sidewalk café on Broadway only (not Bleecker St), that this application not be considered b DCA until the Applicant is able to first obtain a modification of its SLA License to include a sidewalk café as part of the licensed premises on Broadway.

VOTE: Passed, with 40 Board Members in favor Opposed by 2 Board Members (R. Sanz, & A. Meadows).

**4. Renewal App. for revocable consent to operate and Enclosed sidewalk café for:**

**Red Bamboo on 7th Avenue, Inc., 47 7th Ave. So. with 21 tables & 52 chairs (1301309-DCA)  
(enclosed)**

**Whereas,**

- a. the area was posted, community groups notified and there no community members requested this application be heard, and
- b. this is an application dated July 8, **2014**, for the renewal of an enclosed café, and
- c. the restaurant closed permanently on Aug. 30, **2014** and more than a year later is still vacant and on the real estate market, and
- d. the application was not approved and sent to CB2, Man. by the Dept. of City Planning until Aug. **2015** nearly one year after the restaurant closed, and
- e. given the applicant is no longer in business at this location, the application cannot be approved,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **DENIAL** of this RENEWAL application for revocable consent to operate an enclosed sidewalk café for **Red Bamboo on 7th Avenue, Inc., 47 7th Ave. So. with 21 tables & 52 chairs (1301309-DCA)**.

VOTE: Unanimous, with 42 Board Members in favor.

**5. 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.

- PGT Rest. Corp., d/b/a Slainte, 304 Bowery with 8 tables & 16 chairs (1318806-DCA) (unenclosed)
- Cantaloupe, LLC, d/b/a Lovely Day, 196 Elizabeth St. with 2 tables & 5 chairs (1260966-DCA) (unenclosed)
- Pret A Manger (USA) Limited, d/b/a Pret A Manger, 350 Hudson St. with 10 tables & 20 chairs (1462339-DCA)(unenclosed)
- Vigu, Inc., d/b/a 628 Hudson Café, 628 Hudson St. with 4 tables & 8 chairs (1471523-DCA) (unenclosed)
- Cherry Lane Inc., d/b/a The Randolph at Broome, 349 Broome St. with 7 tables & 16 chairs (1383186-DCA) (unenclosed)
- Lunella Ristorante, Inc., d/b/a Lunella, 173 Mulberry St. with 4 tables & 8 chairs (1072629-DCA) (unenclosed)
- La Mela Ristorante Italiano, Inc, 167 Mulberry St. with 9 tables & 19 chairs (1274929-DCA) (unenclosed)
- Akram Restaurant Management, Inc., d/b/a Da Gennaro, 129 Mulberry St. with 19 tables & 38 chairs (1249523-DCA) (unenclosed)
- Tortilla Flats Inc., 767 Washington St. with 11 tables & 21 chairs (08055433-DCA) (unenclosed)
- N.E.C.F. Inc, d/b/a Mr. Dennehy's, 63 Carmine St. with 14 tables & 28 chairs (1188869-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 42 Board Members in favor.

**Applications for Street Activities Permits:**

**Whereas, for a “block party or block festival”,** 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;

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

**New Application for a Street Activity Event:**

**1. 10/24/15 West Village Eats: A Celebration of Local Restaurants, Benefiting P.S. 3, Grove St. bet. Bedford & Hudson Sts.**

**Whereas,** this application was laid over from the August 2015 calendar and a group of parents were present in support of the application; and

**Whereas,** this event was f/k/a Taste of the West Village wherein more than 20 restaurants in the West Village participate in order to raise funds for academic and arts programs at PS 3; and

**Whereas,** the Grove Street Block Association submitted a letter in support the event.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **APPROVAL** of this event at Grove St. bet Bedford & Hudson Sts.

Vote: Unanimous, with 42 Board members in favor.

**2. 10/1/15-10/4/15**

**Meatpacking District Weekend, 1) Gansevoort St. bet Hudson & 9<sup>th</sup> Ave. (plaza); 2) 14 St. & 9<sup>th</sup> Ave. Pedestrian Plaza (South Side); 3) Ninth Ave. bet Little West 12<sup>th</sup> St. & Gansevoort St (plaza).; 4) Gansevoort St. bet Hudson St. & 9<sup>th</sup> Ave. (full street closure); 5) 9<sup>th</sup> Ave. bet West 13<sup>th</sup> St. & West 14<sup>th</sup> St. (plaza)**

**Whereas,** Jeffrey LeFrancois, representing Operations and Community Affairs for the Meatpacking District, appeared and stated that this is the 4<sup>th</sup> year for this event consisting of a celebration of the Meatpacking District, new branding, fee events free in-store activities, free tours of the SoHo House as well as the Whitney and shopping discounts; and

**Whereas,** Mr. LeFrancois also stated that four out of five locations for the event were taking place on DOT approved street plazas and the one street closure (#4 above) at Gansevoort St. between Hudson St. and Ninth Ave. was being removed from the application; and

**Whereas**, a cryptic petition, in opposition, was faxed to the board office (from the “Golden Rabbit”) containing a printed list of business in opposition with 39 unidentifiable signatures and no printed names, addresses or affiliations; and

**Whereas**, no one in support of this petition appeared or otherwise contacted the Board Office or the Committee; and

**Whereas**, Mr. LaFrancois subsequently contacted the Committee and reported that they had reviewed the petition and that the printed list of businesses were members of the Meatpacking District;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **APPROVAL** of this event at the four pedestrian plazas located at 1) Gansevoort St. bet Hudson & 9th Ave.; 2) 14 St. & 9<sup>th</sup> Ave. Pedestrian Plaza (South Side); 3) Ninth Ave. bet Little West 12<sup>th</sup> St. & Gansevoort St.; 4) 9<sup>th</sup> Ave. bet West 13<sup>th</sup> St. & West 14<sup>th</sup> St.

Vote: Unanimous, with 42 Board members in favor.

**3. 11/22/15 The Basilica of St. Patrick’s Old Cathedral 200<sup>th</sup> Anniversary Celebration, 268 Mulberry St. between Prince St. & East Houston St.**

**Whereas**, no one from the applicant appeared or otherwise requested a lay over.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this event at 268 Mulberry St. between Prince St. & East Houston St.

Vote: Unanimous, with 42 Board members in favor.

**4. 1/1/16 – 12/31/16 St. Anthony’s Market Street Festival, West Houston St. between Thompson & MacDougal Sts.**

**Whereas**, applicant requested that this application appear on the October, 2015 calendar;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **APPROVAL** of the requested lay over to the October 2015 calendar.

Vote: Unanimous, with 42 Board members in favor.

**FYI Renewal Applications for Street Activities:**

**5. 9/26/15 Lab Tastes of the Meatpacking District Special Event 1) Gansevoort St. bet Hudson St. & 9<sup>th</sup> Ave.; 2) Gansevoort St. bet Hudson St. & 9<sup>th</sup> Ave.**

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **APPROVAL** of the above referenced **RENEWAL** application for a street activity on 1) Gansevoort St. bet Hudson St. & 9<sup>th</sup> Ave. 2) Gansevoort St. bet Hudson St. & 9<sup>th</sup> Ave.

Vote: Unanimous, with 42 Board members in favor.

## SLA LICENSING

### **1. Blue Bell Restaurant, LLC d/b/a Cantine Parisienne, 153 Elizabeth St. aka 40 Kenmare St. 10012 (Corporate Change)**

**A. Whereas,** the applicant appeared before CB2's SLA Licensing committee to present an application for a corporate change for an existing restaurant on premise license to operate a French restaurant located in the ground floor storefront of a eight story Hotel on the corner of Elizabeth and Kenmare Streets (Circa 2006); and

**B. Whereas,** one of the existing business owners/shareholders will remain and a new partner will be added to the ownership but no changes to the existing method of operation are proposed and the existing method of operation will be maintained in all respects continuing to do business as Cantine Parisienne; and

**C. Whereas,** the storefront premises is approximately 1,800 SF for both ground floor and cellar, with 16 tables with 50 patron seats, 1 bar with 10 patron seats, there will continue to be no TVs, three bathrooms and music will be background only; and

**D. Whereas,** the hours of operation for the Restaurant will continue to be from 7:00 AM to 12:00AM Sunday through Saturday seven days/nights a week, the premises will continue to operate as a full service French food restaurant, there will be no d.j. or live music, no private parties, there will be no scheduled performances or events with a cover charge; and; and

**E. Whereas,** there is an existing sidewalk café (as of 2014) with 42 seats covering approximately 470 Sf. of the public sidewalk in front of the premises; and

**F. Whereas,** the applicants executed a stipulations agreement with CB2 Man. that they agreed would be attached and incorporated in to their method of operation on their BW license and the stipulations are as follows:

8. The premises will be advertised and operated as a full service restaurant serving French food.
1. The hours of operation for the restaurant will be from 7:00 AM to 12:00 AM Sunday through Saturday seven days/nights a week.
2. There will be no outdoor areas other than the a licensed sidewalk café located on the public sidewalk directly in front of the premises.
3. The sidewalk café will close by 11 PM every night.
4. No French or accordion style doors will be installed at the premises and the applicant will close all exterior doors or windows by 9 PM every night.
5. Music will be quiet, background level inside the restaurant and there will be no live music, dj's, promoted events, 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, Tavern or Sports Bar.
7. There will be no dancing.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a corporate change to an existing on premise license to **Blue Bell Restaurant, LLC d/b/a Cantine Parisienne, 153 Elizabeth St. aka 40 Kenmare St. 10012** **unless** the statements of the applicant as presented to CB2, Man. 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 the On Premise License.

Vote: Unanimous, with 42 Board members in favor.

Vote: Unanimous, with 42 Board members in favor.

2. **Rapha Racing, LLC, 159 Prince St. 10012** (Beer Wine license, previously unlicensed location).

A. **Whereas**, the applicant appeared before CB2's SLA Licensing committee to present an application for a beer wine license to operate a cycling clothing and accessories retail store with cafe in a ground floor storefront within a five-story, mixed-use building (Circa 1900) in a Landmarked Historic District on Prince street between Thompson Street and West Broadway; and

B. **Whereas**, this particular storefront location was previously operated as a retail clothing store and it has never operated as an eating and drinking establishment nor has it ever been licensed for the service of alcoholic beverages; and

C. **Whereas**, the proposed storefront premises will be 1,856 SF, there will be one entrance, traditional retail shop with clothing/accessory racks, two fitting rooms and displays in the front and 1 food counter/bar with no seats, two bathrooms, 4 tables with 16 seats creating a small café in the rear of the storefront space, there will be two TVs with an additional projection television and music will be interior and background only; and

D. **Whereas**, the applicant initially presented plans to install double doors leading from the rear of the storefront premises to a rear yard for the service of alcohol with an additional 6 tables and 24 seats but the rear yard space had never previously been used for any retail purposes or connected to the retail storefront at any point in the past; and

E. **Whereas**, the applicant failed to provide any photos demonstrating or detailing the outdoor rear yard space or its proximity to other rear yards or its adjacent neighbors, failed to perform any outreach to those adjacent neighbors whom could be greatly affected by such backyard use or occupancy and further failed to present any permits for the alteration of the premises as stated or present a certificate of occupancy or letter of no objection from the Dept. of Buildings that permitted eating and drinking uses or occupancy of the rear yard; and

F. **Whereas**, as a result of the applicant's inability to fully and/or coherently present any permits allowing it to occupy or use the rear yard premises for the service of alcohol in the manner presented, the applicant agreed at the time of its presentation to CB2 Man. **to withdraw its application to the extent that it will prohibit the service of alcoholic beverages in the rear yard space;** and

G. **Whereas**, the hours of operation will be from 7 AM to 8 PM seven days a week, there will be no sidewalk café, no d.j. or live music, no private parties, no scheduled performances or events with a cover charge; and

H. **Whereas**, the applicant has operated a similar store with café within CB2 Man. without significant complaints and with a good reputation with neighbors and other nearby residents; and

I. **Whereas**, the applicant executed a stipulations agreement with CB2 Man. that they agreed would be attached and incorporated in to their method of operation on their BW license and the stipulations are as follows:

1. The premises will be advertised and operated as a small retail cycling clothing store in the front and with a small café in the rear storefront.
2. The hours of operation for the restaurant will be from 7 AM to 8 PM seven days a week.

3. **There will be no outdoor areas for the sale or consumption of alcoholic beverages and no sidewalk café.**
4. No French or accordion style doors will be installed at the premises and the applicant will close all exterior doors or windows by 9 PM every night.
5. Music will be quiet, background level inside the restaurant and there will be no live music, dj's, promoted events, 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, Tavern or Sports Bar.
7. There will be no dancing.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of a Beer and Wine license to **Rapha Racing, LLC, 159 Prince St. 10012** unless the statements of the applicant as presented to CB2, Man. 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 the Beer and Wine License.

Vote: Unanimous, with 42 Board members in favor.

**4. Entity to be formed by Derek M. Koch, 90 Thompson St. 10012** (New OP license, previously licensed location).

**A. Whereas**, the applicant appeared before CB2, Manhattan's SLA Licensing Committee for a new on premise liquor license to operate a Café and Restaurant in a previously licensed location within a six-story, mixed-use building (Circa 1900) in a Historic District directly across from Vesuvio Playground and Public Park on Thompson Street between Spring and Prince Streets; and

**B. Whereas**, the premises was previously operated as Le Pescadeux, a full service restaurant and French Bistro until midnight seven days a week and was licensed for the service of alcohol; and

**C. Whereas**, the premises is located in a 975 SF ground floor space with existing French Doors that open out to the sidewalk, there will be 20 tables and 45 seats, 1 stand up bar with 6 seats for a total seating occupancy of 51, there will continue to be a full service kitchen, one bathroom and one entrance/exit for patrons and there will be no sidewalk café or outdoor space; and

**D. Whereas**, the hours of operation will be from 8 AM to 12 AM Sunday through Thursday and from 8 AM to 1 AM Fridays and Saturdays, all doors and windows will be closed by 9 PM every night 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

**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 as a full service French Bistro and Café Restaurant and will not operate as a Lounge, Tavern, Bar or Sports Bar.
2. The hours of operation will be from 8 AM to 12 AM Sunday through Thursday and from 8 AM to 1 AM Fridays and Saturdays.
3. There will be no sidewalk café or any outdoor space.
4. There will be no televisions.
5. All doors and windows will be closed by 9 pm daily.

6. Will operate under only one d/b/a name.
7. There will be only one stand up bar with six seats.
8. There will be no all you can drink, all you eat specials or boozy brunches.
9. There will be no dancing.
10. There will be no patron use of basement.
11. Music will be quiet, background only and there will be no d.j.s, live music, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes and no movable barriers.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the removal application of a Restaurant Liquor License for **Entity to be formed by Derek M. Koch, 90 Thompson St. 10012** unless the statements of the applicant as presented to CB2, Man. 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 Liquor License.

Vote: Unanimous, with 42 Board members in favor.

**5. Pacific 4, LLC d/b/a The Broome, 431 Broome St. 10013** (New OP license, previously unlicensed location).

**A. Whereas**, the applicant appeared before CB#2 Man. for a new on premise liquor license for a Guest House and 14-room Boutique Hotel in a 5-story cast iron building (circa 1825) located in a M1-5B Zoning District with its entrance on Broome Street between Crosby Street and Broadway; and

**B. Whereas**, the building was previously occupied by artist joint live work quarters, with five loft units but was recently gut renovated and converted to Hotel uses on the second, third and four floors with a lobby space, large courtyard and Art Studio located on the ground floor; and

**C. Whereas**, there is no ground floor retail space currently located in the building and the certificate of occupancy permits an Art Studio on the ground floor but does not permit Eating and Drinking uses on any floor of the building; and

**D. Whereas**, as a result the Hotel has been operating for approximately one year but does not operate as a full service Hotel with accessory eating and drinking uses or occupancy; and

**E. Whereas**, despite there being no permit in place to operate a retail eating and drinking establish on the premises, the Applicant proposed and seeks to open up and advertise a full service bar on the first floor for its guests but also for the general public with service to their outdoor courtyard space until Midnight seven nights a week serving snacks but without any kitchen; and

**F. Whereas**, the applicants further propose and seek an on premise license to promote private parties and catered hotel “takeover” events in the outdoor courtyard space, approximately 35 ft. by 50 ft. in size; and

**G. Whereas**, the Courtyard is also surrounding by residential apartments immediately above and adjacent to said courtyard, the surrounding residents who corresponded with and who appeared before CB#2 Man. in opposition to the license application, who provided photos showing the closeness in proximity of their bedroom windows surrounding the courtyard space planned for eating and drinking,

their concerns of a significant increase of a noisy, late night and day time encroachment echoing against the surrounding building walls for what has always been for them a place of comfort, privacy and quiet, some of which have resided in these apartments for their lifetime; and

**H. Whereas**, one neighbor explained in an email correspondence to CB2 Man. that the applicants misrepresented its true intentions to use of the courtyard for eating and drinking to garner support for its application and; and

**I. Whereas**, one of the Applicants (Vincent Boitier) previously operated an illegal outdoor space at L'Orange Bleue (430 Broome Serial # 1025029 Agume, Inc. d/b/a L'Orange Bleue) for many years on Crosby Street without any license to do so and operated his establishment with loud, disruptive live music in conjunction with leaving windows and doors open during such performances, again without permits; and

**J. Whereas**, there are already 17 existing on-premise liquor licenses within 500 ft. of the proposed licensed premises and four additional pending licenses within 500 ft. of the proposed licensed premises, the certificate of occupancy does not permit eating and drinking on any floor of the subject premises, the hotel building being small, historic and being limited to transient hotel uses and an art studio but not designed for accessory eating and drinking, the outdoor courtyard space being surrounded by residential apartments which will increase the levels of noise and disruption to others where no such commercial uses or occupancy previously existed and the lack of any public benefit or interest being demonstrated for adding a Bar and On-Premise license to these premises when there are pre-existing, ample opportunities within the immediate neighborhoods of Soho, Noho, Nolita, Little Italy, Greenwich Village and/or throughout the rest of NYC for eating and drinking purposes; and

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial for **Pacific 4, LLC d/b/a The Broome, 431 Broome St. 10013** on its application for an on-premise liquor license; and,

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. requests that the SLA conduct 500 foot and 200 foot hearings because there has never been a full on premise liquor license at these premises at any point in the past.

**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 the Commissioners may review the recommendation of CB#2 Man.

Vote: Unanimous, with 42 Board members in favor.

**6. Broome Street Food and Drink, LLC d/b/a Black Tap, 529 Broome Street 10013** (new OP License, previously unlicensed storefront location)

**A. Whereas**, the applicant presented before CB2, Man. for an On Premise license and seeks to open a restaurant specializing in hamburgers, French fries and milkshakes in a basement premises located in a 6-story, mixed-use building located on Broome St. between Sullivan Street and Thompson Street; and

**B. Whereas**, the basement premises in question was previously operated for years by a Dog Grooming service for storage and offices purposes only and has never been previously operated for the service of alcohol or as an eating and drinking establishment; and

**C. Whereas**, the applicant previously appeared before CB2 Man. in August/2014 for a beer and wine application at the same location with the exact same proposal to open up a restaurant specializing in hamburgers, French fries and milkshakes but the applicant has never operated in the basement premises; and

**D. Whereas**, instead the applicant has been operating only in a ground floor premises, albeit only since March/2015, at the same address as “Black Tap Craft Burgers and Beer” with closing hours no later than 10 PM on Sundays, 11 PM Monday through Thursday and no later than Midnight on Fridays and Saturdays; and

**E. Whereas**, the basement premises is located in a M1-5B Zoning District and the Applicant has not provided a Letter of No Objection from the Dept. of Building permitting eating and drinking in the proposed basement premises or alteration application with the Dept. of Buildings seeking to renovate the premises with a full service kitchen as proposed by the Applicant; and

**F. Whereas**, when the Applicant previously appeared before CB2, Man. for his Beer/Wine license in August/2014 he explained that his restaurant would operate only in the 600 s.f. ground floor space and that the 1,200 s.f. basement premises (with access between floors via exterior stairs at sidewalk only) would be for storage purposes only and not for patron use; and

**G. Whereas**, the Applicant now seeks to gut renovate the basement premises to install a full service kitchen and open up a second restaurant specializing in hamburgers, craft beer and comfort food identical to his existing restaurant located in the upstairs ground floor space but with an upgrade to a full on-premise license; and

**H. Whereas**, even though the Applicant provided plans to install a full service kitchen to support his basement operations, he failed to provide a coherent plan for the installation of the necessary mechanical systems to support such a full service kitchen; and

**I. Whereas**, the Applicant proposes to install two bathrooms, install one stand up bar with 8 seats, 8 tables with 45 seats and 4 other seats in a waiting area for a total number of 57 patron seats, there will be two TVs, a sound system with four speakers and seeks hours of operation until 11 PM on Sundays, 12 AM Monday through Wednesday and until 2 AM Thursday through Saturday; and

**J. Whereas**, the premises are 105 feet from the entrance to the Chelsea Vocational HS at 131 Sixth Avenue; and

**K. Whereas**, there are already 12 on-premise liquor licenses and 8 additional Beer and Wine licenses within 500 ft. of the licensed premises and an additional 10 on-premise licenses within 750 ft. of the licensed premises, numerous other eating and drinking establishments in the immediate neighborhood, the applicant’s menu specializes in hamburgers and operates an identical business immediately above the basement premises, there being no valid reason provided in a public interest statement which distinguishes the instant application from the other already existing licensed eating and drinking establishments within 500 ft. of the premises, there being no permits in place for the use of this basement as an eating or drinking establish, there being significant concerns that the Applicant has not presented plans to operate as a full service restaurant but rather will likely be a bar despite his representations to the contrary, there being concerns regarding an increase in noise and traffic where no such operation previously existed at the basement premises in an area with existing, mixed residential uses and there being no coherent reason provided why a full on-premise license was needed for a restaurant specializing in hamburgers; and



L. **Whereas**, the premises has never previously been licensed for the service of alcohol and no prudent cause or reason being offered or demonstrated that the conversion of the premises to a full on-premise liquor license is unnecessary in a neighborhood already significantly saturated with liquor licenses and late night bars; and

M. **Whereas**, the conversion of yet another premises to a full on-premise liquor license will also have a significant impact and greatly affect the quiet enjoyment of surrounding residential neighbors and will infringe upon and/or change the quality of life of neighbors by adding yet another such a licensed premises to the existing neighborhood; and

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial for **Broome Street Food and Drink, LLC d/b/a Black Tap, 529 Broome Street 10013** on its application for a full restaurant on premises liquor license; and,

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. requests that the SLA conduct 500 foot and 200 foot hearings 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 the Commissioners may review the recommendation of CB#2 Man.

Vote: Unanimous, with 42 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. **Ambleside Partners, LLC d/b/a Pravda, 281 Lafayette St. 10012** (alteration to existing on-premise license) (laid over)

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on September 8, 2015, the principal/applicant requested to lay over this application from consideration and did not appear before CB2 regarding its application; and,

**Whereas**, this application is for an alteration to an existing on premise liquor license;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any proposed Beer and Wine or On Premise license to **Ambleside Partners, LLC d/b/a Pravda, 281 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 42 Board members in favor.

**8. 22 Howard Street F&B LLC, d/b/a Smile To Go, 22 Howard St. 10013 (Withdrawn)**

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on September 8<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 42 Board members in favor.

**9. Selayang Corp., d/b/a Nyonya, 199 Grand St. 10013 (New Beer & Wine –laid over)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 8<sup>th</sup>, 2015, the Applicant's attorney requested to lay over 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; and

**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 **Selayang Corp., d/b/a Nyonya, 199 Grand 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 42 Board members in favor.

**10. 151 Mulberry St. d/b/a Aunt Jakes, 151 Mulberry St. 1001 (Beer and Wine) (withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 8<sup>th</sup>, 2015 the Applicant requested to withdraw this application from consideration and did not appear before CB2 regarding its application; and

**Whereas**, this application was for a new Beer and Wine license;

**THEREFORE BE IT RESOLVED** that CB#2, 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 **151 Mulberry St. d/b/a Aunt Jakes, 151 Mulberry St. 1001** 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 42 Board members in favor.

**11. 185 Grand Street Operating Group, LLC d/b/a Francy's, 185 Grand St. 10013 (On Premise, withdrawn)**

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on September 9<sup>th</sup>, 2015 the principal/applicant requested **to withdraw** this application from consideration and did not appear before CB2, Man. 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 **185 Grand Street Operating Group, LLC d/b/a Francy's** 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 42 Board members in favor.

**12. Phil Alotta or an entity to be formed, 310 Spring St. 10013 (New OP – Lay Over)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 8<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 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 **Phil Alotta or an entity to be formed, 310 Spring 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 42 Board members in favor.

**13. LaGuardia Place, LLC d/b/a Court Street Grocers, 540 LaGuardia Place 10012 (New RW)**

**i. 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 location that has not previously been licensed for a "café serving breakfast, sandwiches, soups salads, coffee, and Grocery Store carrying fresh, unique ingredients and foods" similar to courtstreetgrocers.com; and,

**ii. Whereas**, this application is for a new restaurant wine license for a location in a mixed use building for a roughly 1,200 sq. ft. premise (600 sq. ft. ground floor and 600 sq. ft. basement – applicant states no patron eating and drinking uses in basement) with 6 tables and 12 seats and 1 stand up bar with 12 seats for a grand total of 24 seats, a letter of no objection for the 1<sup>st</sup> floor only was presented dated March 17<sup>th</sup>

2015 which states that there is “no objection for an eating and drinking establishment, use group #6, non-place of assembly with no cooking on premises, for less than seventy five (75) persons on the 1<sup>st</sup> floor”, but a certificate of occupancy was also presented dated August 4, 1972; it is unclear which document is correct as a Letter of No Objection is not valid if there is an existing Certificate of Occupancy; and,

**iii. Whereas,** the hours of operation will be from 8AM to 10PM 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 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, there will be no patron eating and drinking in the basement; and

**iv. 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 a Café (breakfast, sandwiches, soups, salads, coffee) and grocery sales as presented to CB2.
2. The hours of operation will be from 8AM to 10PM 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 10PM except for patron ingress and egress and anytime there is amplified music.
10. The Licensee will never seek to upgrade the beer/wine license to an on-premise liquor license.
11. The Licensee will not have patron seating or patron eating and drinking in the basement; the basement will be for grocery sales and display of goods only.
12. The Licensee will not use backyard garden.
13. The Licensee will not have a sidewalk bench or sidewalk café; either may be applied for in the future through the appropriate agency.

**v. Whereas,** the Applicant presented a petition and met with the Bleecker Area Merchants’ and Residents’ Association (BAMRA), a representative of BAMRA appeared and stated the organizations support, a local resident appear in opposition; and,

**vi. Whereas,** there are currently approximately 28 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 **LaGuardia Place, LLC d/b/a Court Street Grocers, 540 LaGuardia Place 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 Wine License.

Vote: Unanimous, with 42 Board members in favor.

**14. VC Chef, LLC, 306 W. 13<sup>th</sup> St. 10014 (New RW)**

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee on September 10, 2015 to present an application for a restaurant wine license for a food focused wine driven restaurant with small plates (a spinoff of Vai Restaurant); the applicant had previously appeared before CB2 in August 2015 for an on-premise liquor license but had agreed to lay over the application and return to present an application for a restaurant wine license instead and to address community concerns and opposition by meeting with local residents including those located within the building and the immediately adjacent buildings; and,

**ii. Whereas**, this application is for a new restaurant wine license for a previously licensed location in a mixed use building located on West 13<sup>th</sup> St. between West 4<sup>th</sup> St and 8<sup>th</sup> Avenue for a roughly 1,200 sq. ft. premise with 16 tables and 36 seats and 1 stand up bar with 15 seats for a grand total of 51 interior seats, there is no sidewalk café or any other outdoor space included with this application, there is an existing Certificate of Occupancy; and,

**iii. Whereas**, the hours of operation for the premises will be 12PM 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 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,

**iv. Whereas**, during the September 10<sup>th</sup> 2015 CB2 SLA Licensing Committee #2 meeting, the Applicant agreed to execute a stipulations agreement with CB2, Man. that they agreed they would submit to CB2 and 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 food focused wine driven restaurant with small plates (a spinoff of Vai Restaurant)
2. The hours of operation will be from 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 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. The Licensee will keep skylight closed and sealed at all times.
11. There will be an electric induction kitchen only (limited cooking – food with limited odors).
12. There will be no “afterhours” parties or staff congregating after closing times.
13. There will be no music after closing time ever.
14. Soundproofing will be added to ceiling including 4 layers of sound absorbing sheetrock.

**v. Whereas**, the Applicant subsequently chose not to execute a stipulations agreement that he had stated he would agree to and sign; and

**vi. Whereas**, the Applicant presented a petition in support with a mix of signatures, some from local residents; the Applicant also currently operates a similar establishment on the Upper West Side with a On-Premise Liquor License and Community Board 7 sent correspondence to CB2 stating that the applicant’s currently licensed premises located at 429 Amsterdam Avenue is in good standing and has been for the 7 years it has been in operation; there have been no complaints in those 7 years; and,

**vii. Whereas**, the Applicant had originally appeared before CB2, Man. in August 2015 to present an application for a Restaurant On-Premise Liquor License with the same operation, but had agreed to layover his application and return in September 2015 with a restaurant wine application and to meet with tenants of the building in which the restaurant is located (the building is a Coop building) and residents of immediately adjoining buildings; the Applicant provided copies of emails and copied CB2, Man. on his communications with said tenants but tenants remained in opposition to the application, a few did speak with the Applicant on the street and shared their concerns and several others also sent emails outlining their concerns and opposition; and,

**viii. Whereas**, a number of speakers appeared in opposition all of whom lived in immediate proximity to the applicant and a representative of the co-op board in which the establishment is located appeared in opposition and a number of letters were received in opposition, stating that this location should have never been issued a restaurant wine license for the previous tenant because the premises is not suited for a restaurant operation – even though there is an electric induction kitchen only - there is no proper legal ventilation and the previous operator had significant issues with ventilation; that the previous operator had significant sound leakage issues and no clear plan was presented on how to fully sound proof the premises; that crowds transit this area to the meatpacking district and this type of operation would encourage their patrons to stay on the block and would impact quality of life, that this block despite its proximity to the meatpacking district is a residential block and is part of Greenwich Village, not the meatpacking district; that the previous licensee’s establishment began as a café and morphed into a wine bar and this application is taking advantage of that change even though both uses are inappropriate for this location; that the previous operator was uncooperative in addressing many issues, including taking several years to address noise from faulty mechanical equipment that was only addressed after violations were issued by the DEP but never adequately - the applicant intends to use the same mechanical equipment as is without providing details on how to eliminate the problems; whereas significant opposition was stated to any future outdoor seating including a sidewalk café; and.

**ix. Whereas**, in addition to the concerns addressed above, CB2, Man. cannot support Applicants who chose not to follow through on their verbal agreements made before CB2’s Committees; and,

**x. Whereas**, there are currently approximately 7 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 or Tavern Wine License for **VC Chef, LLC, 306 W. 13<sup>th</sup> St. 10014**; and,

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. respectfully requests that should the applicant continue to pursue the issuance of a restaurant wine license or tavern wine license that this matter be calendared before a regularly scheduled meeting of the Full Board of the New York State Liquor Authority with appropriate advance notice provided to CB2, Man..

Vote: Unanimous, with 42 Board members in favor.

**15. Minerva Hospitality Group Ltd., d/b/a Minerva, 302-304 West 4<sup>th</sup> St. aka 51 Bank St. 10014**

**i. Whereas**, the applicant's attorney, the Principal Chrysalis Coutino-Kinsella and the establishment's business manager Matthew Paratore appeared before Community Board 2, Manhattan's SLA Licensing committee on September 10, 2015 to present an application to the Liquor Authority for a new restaurant wine license for a currently operating casual Italian café catering to the local community; and,

**ii. Whereas**, the applicant had previously appeared in January/2015 and May/2015 and failed to appear in June/2015 before CB2, Man. to present this same application; and

**iii. Whereas**, this application is a resubmission of the initial application for a Restaurant Wine license that was previously presented before CB2, Man. in January/2015, but "while the initial Application was pending, but before its issuance, a Notice of Violation was served upon the applicant, on March 23, 2015, for sale of an alcoholic beverage upon the premises, when the applicant did not possess a liquor license" (Case 103908 & 104664); the Liquor Authority subsequently disapproved the pending January/2015 Application; and,

**iv. Whereas**, the applicant appeared in May/2015 to present the resubmission application but agreed to layover the application; local residents spoke and submitted testimony in opposition at the meeting; and,

**v. Whereas**, the applicant failed to appear in June/2015 when they were placed on the agenda for CB2's SLA Licensing Committee, however several additional local residents appeared in opposition and additional testimony was submitted in opposition; and,

**vi. Whereas**, at this month's meeting in September/2015 the applicant submitted the same application and represented that they had addressed all outstanding concerns and complaints with their neighbors but was unable to provide any documentation or correspondence in support of those claims from local residents and local residents who appeared in June/2015 stated this was inaccurate and false at that time; and,

**vii. Whereas**, CB2, Man. has significant concerns regarding the credibility of this applicant and their responses to concerns and their actions as outlined in CB2's June/2015 resolution; and

**viii. Whereas**, CB2, Man. continues to have significant concerns regarding the character of the applicant and their inability to operate within the law and also has concerns regarding the complaints outlined by local residents specifically in regards to the operation of their sidewalk vault which poses a grave danger to local residents and pedestrians as it appears to continue to be operated in an unsafe and dangerous manner; that the operator continues to use the basement of the premises in a manner for which he does not have permission from the New York City Department of Buildings and continues to provide statements which contradict actual activity in the basement in regards to the preparation of food, cooking and

handling of food other than for storage; that they did not provide notice to CB2, Man. in June 2015 that they would not appear in an attempt to avoid addressing credible complaints from local residents; that the applicant has a history of ignoring, misrepresenting his actions to and not responding to local residents who bring complaints directly to the establishment; that the applicant continues to be a poor neighbor by failing to address quality of life complaints including the operation of a noisy commercial air-conditioning unit which continues to operate outside the legal limits of the NYC Department of Environmental Protection and the lack of appropriate ventilation from the illegal cooking which occurs in the basement and the inability to manage smokers outside the establishment and next to the immediate residential buildings; and,

**ix. Whereas,** this premises is located in a grandfathered commercial space on the 1<sup>st</sup> floor in a residentially zoned neighborhood and as such quality of life concerns should be given the utmost priority and this applicant has demonstrated an inability to operate in a courteous and legal manner at this location; and,

**x. Whereas,** the *applicant/principal* has demonstrated a lack of managerial capability to properly supervise their staff and to operate within the law at this establishment and at Hamilton's Soda Fountain NY, LLC. SN#1279734 at which they are also a principal; The designated manager has also failed to properly supervise staff and operate within the law at this establishment and also at Hamilton's Soda Fountain NY LLC. SN#1279734 where he is also a manager;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of a new Restaurant Wine License for **Minerva Hospitality Group Ltd., d/b/a Minerva, 302-304 W. 4th St. 10014**; and,

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. respectfully requests that should the applicant continue to pursue the issuance of a restaurant wine license that this matter be calendared before a regularly scheduled meeting of the Full Board of the New York State Liquor Authority with appropriate advance notice provided to CB2, Man.

Vote: Unanimous, with 42 Board members in favor.

**16. Sharma and Singh Restaurant Group Inc., 154 Blecker St. 10012 (New OP)**

**i. 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 for a "family owned restaurant focusing on cuisine of North India" in a location which had previously in past years had a restaurant wine license but was most recently operated as a yogurt shop without any SLA licenses; one of the principles in the past also operated a similar restaurant with the same d/b/a at 302 Blecker St. also within CB2, Man.; and,

**ii. Whereas,** this application is for a new restaurant on-premise liquor license for a location in a mixed-use building located on Blecker St. between Thompson St. and LaGuardia Place, for a roughly 2,227 sq. ft. premise (1,605 sq. ft. first floor patron use, 672 sq. ft. basement no patron use) with 8 tables and 22 seats and 1 stand up bar with 8 seats for a grand total of 30 interior seats, there is also an accessory basement with no patron use, there is an existing Certificate of Occupancy; and,

**iii. Whereas,** the hours of operation for the interior of the premises will be 12PM to 12AM Sunday to Thursday and 12PM to 1AM Friday to Saturday (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 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,

**iv. 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 family owned restaurant focusing on cuisine of North India.
2. The hours of operation will be from 12PM to 12AM Sunday to Thursday and 12PM to 1AM Friday to Saturday. 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 have no more than 1 television no larger than 48 inches (there will be no projector TV's). There will be no volume on TV ever.
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 & windows at 10PM every night and anytime there is amplified music.
10. A sound limiter will be installed and kept calibrated by a sound engineer.
11. There will be no ceiling mounted speakers or speakers in the ceiling.
12. The Licensee will install sound proofing in ceiling and will also hire a sound engineer to inspect premises and apartments above to ensure the quiet enjoyment of residential tenants – the operator will follow recommendations of sound engineer and will install any and all noise abatement materials necessary tot ensure the quiet enjoyment of residential tenants provided residential tenants provide access.
13. There will be no sidewalk café and no outdoor benches.

**v. Whereas,** the Applicant presented a petition in support and met with the Bleecker Area Merchants' and Residents' Association (BAMRA), a representative of BAMRA appeared and stated the organizations support, 2 residents of the building who live directly above the proposed restaurant appear in opposition citing the larger number of existing OP licenses in the immediate area, the impact the issuance of this license will have on quality of life issues in the immediate area as this particular area is inundated with pedestrian and vehicular traffic, that the interior of the premises has a large area devoted to a standup bar and they stated that this new concept would not be unique to the area; and,

**vi. Whereas,** there are currently approximately 36 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 **Sharma and Singh Restaurant Group Inc., 154 Bleecker St. 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 On Premise Liquor License.

Vote: Unanimous, with 42 Board members in favor.

**17. Deviled Foods LLC, d/b/a Diablo Royale, 189 W. 10<sup>th</sup> St. (renewal Restaurant OP - SN#1166320)**

- i. Whereas**, a Principal, Jason Henning, and his Attorney appeared before CB2’s SLA Licensing committee to present a renewal application for Deviled Foods LLC d/b/a Diablo Royale, 189 W. 10<sup>th</sup> St. SN#1166320 at the request of CB2, Man. based on complaints over time regarding the Licensees operation of their establishment out onto the public sidewalk and in total disregard of immediate residential neighbors and the surrounding Community; and,
- ii. Whereas**, the establishment is located in a residentially zoned landmarked historic neighborhood in a ground floor storefront of a four story mixed use building located on West 10<sup>th</sup> St. between West 4<sup>th</sup> St. and Bleecker St.; and,
- iii. Whereas**, the Licensee currently fails to operate his eating and drinking establishment in accordance with his representations made and/or the terms of his SLA approved upon method of operation in that the Licensee, without first providing notice to CB2 Man., or obtaining an alteration to its existing license, has increased his hours of operation until 3 AM and increased the size and more significantly, moved its stand up bar right up to and adjacent to the public sidewalk where exterior, collapsible doors are opened inviting and causing patrons to spill out onto the public sidewalk; and
- iv. Whereas**, when the Licensee originally presented to CB2, Man. in June/2005 an application for a Mexican restaurant with a specific and clear floor plan with one stand up bar located at the rear center of the establishment away from the front façade of the restaurant with doors that opened out along the façade (but which did not retract to the sides to create an open façade) and hours of operation from Sunday to Tuesday from Noon to midnight and Wednesday to Saturday from noon to 1AM; in consideration of those and other facts and representations, CB2 had no objection to the issuance of a restaurant on-premise liquor license and provided that recommendation to the SLA; and
- v. Whereas**, the Licensee submitted an application to the SLA with the same representations, facts and diagrams which were subsequently approved and from information provided to CB2, Man. by the SLA under a freedom on information request recently, no changes have ever been filed by the Licensee; and,
- vi. Whereas**, when confronted with the unlawful alteration and impermissible increase in operating hours until 3 AM the Licensee and his attorney acted surprised and provided no coherent explanation to CB2, Man. for the changes in the method of operation under which his license was conditionally approved and granted in 2005; and
- vii. Whereas**, **this is the second time the Licensee has been requested to appear for the renewal of his license, having been requested** in September 2009 to appear before CB2, again in response to complaints from local residents specifically regarding noise and overcrowding and operating primarily as a bar and at which time CB2 requested and recommended that the SLA deny the renewal of the license unless the Licensee kept the bar area doors at all times; and,

**viii. Whereas**, despite being located in a historic, landmarked district, the operator admitted that he had recently changed and altered its front façade doors without first applying for such changes with the NYC Landmark Preservation Commission; and,

**ix. Whereas**, CB2, Man. continues to receive complaints regarding the operation of the establishment specifically that **(1)** the premises is operated as a loud noisy bar with an open facade **(2)** that the bar has been moved contrary to approved plans on file with the SLA and is located adjacent to the front façade **(3)** creating a bar atmosphere immediately upon the public sidewalk thereat in that the façade has been altered to be fully operable and is left entirely open to the street **(4)** that the operator operates the establishment beyond the hours that were originally presented to CB2 and the SLA in their presentation, application and materials filed with both CB2 and the SLA and **(5)** that the operator refuses to keep the doors immediately adjacent to the bar area closed at all times;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of the “renewal” application for the existing Restaurant On-Premise Liquor License for SN#1166320, **Deviled Foods LLC, d/b/a Diablo Royale, 189 W. 10<sup>th</sup> St.**;

**THEREFORE BE IT FURTHER RESOLVED** that should the Liquor Authority consider renewing this renewal application, CB2, Man. respectfully requests that Liquor Authority proceed with enforcement investigation and disciplinary actions in regards to the complaints stated above and require the Licensee to return to CB2 in order to address any changes that may be required to the their premises, floor plans or method of operations to resolve the ongoing complaints.

Vote: Unanimous, with 42 Board members in favor.

**18. Saigon Project, Inc. d/b/a The Boil (previously Saigon Shack), 17 Waverly Pl. 10003 (New OP)**

**i. 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 licensed location for a full service restaurant focusing on seafood; and,

**ii. Whereas**, this application is for a new restaurant on-premise liquor license for a previously licensed location in a mixed use building located on Waverly Place between Greene St. and Mercer St. for a roughly 5,000 sq. ft. premise with a total of 150 seats and 1 stand up bar with no more than 20 seats, there is no sidewalk café or out door space include in this application, there is an existing Certificate of Occupancy; and,

**iii. Whereas**, the hours of operation for the interior of the premises will be 4PM to 1AM 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 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,

**iv. 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 restaurant focusing on seafood.

2. The hours of operation will be from 4PM to 1AM 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 have no more than 2 televisions no larger than 46 inches each.
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. There will be no happy hour.
11. There will be no unlimited food & drink specials.
12. There will be only 1 standup bar with no more than 20 seats.

**v. 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; the Applicant also currently operates another establishment within CB2, Man. for which there are no know complaints; and,

**vi. Whereas**, there are currently approximately 4 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 **Saigon Project, Inc. d/b/a The Boil (previously Saigon Shack), 17 Waverly Pl. 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 42 Board members in favor.

**19. Tapestry, LLC, 60 Greenwich Ave. 10011 (New OP)**

**i. 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 for a “family restaurant with focus on global dishes with Indian Spices”, the premises had been licensed with a full on-premise restaurant liquor license in the past; and,

**ii. Whereas**, this application is for a new restaurant on-premise liquor license for a previously license location in a mixed use building located on Greenwich Ave. between 7<sup>th</sup> Ave South and Perry St. for a roughly 2,894 sq. ft. premise (1,360 sq. ft. first floor for patron use, 1,534 sq. ft. basement with no patron use) with 18 tables and 56 seats and 1 stand up bar with 10 seats for a grand total of 66 interior seats, there is an existing Certificate of Occupancy; and,

**iii. Whereas**, the hours of operation for the interior of the premises will be 11AM to 12AM/midnight 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 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,

**iv. 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 family restaurant with focus on global dishes with Indian Spices.
2. The hours of operation will be from 11AM to 12AM/midnight 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 9PM except for patron ingress and egress and anytime there is amplified music.
10. There will be one exception to no televisions, there will be 1 television in the backroom for presentation use only.
11. There will be no patron use of the basement except for restrooms.
12. There is no rear yard included in this application.
13. There is no sidewalk café included in this application.

**v. Whereas**, the Applicant presented a petition in support; a number of residents who reside immediately adjacent to the location also appeared to state their complete opposition to the use of any rear yard or outdoor space at the rear of the premises, but those areas were not included as part of this application and therefore they were not opposed to the issuance of the license without any outdoor areas; and,

**vi. Whereas**, there are currently approximately 14 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 **Tapestry, LLC, 60 Greenwich Ave. 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 42 Board members in favor.

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

**20. Himi NY Corporation, d/b/a Hakata Ton Ton, 61 Grove St. 10014 (OP Alteration – Laid Over)**

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 10<sup>th</sup>, 2015, the Applicant requested to layover this application for an alteration application for an existing restaurant on-premise liquor license for a 2<sup>nd</sup> time (originally they appeared in August 2015 and requested to layover this application) to expand the existing 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 CB2, Man. strongly recommends that the SLA deny any type of proposed alteration to any existing on premise liquor license, corporate change, class change, transfer, or changes to any existing license for **Himi NY Corporation, d/b/a Hakata Ton Ton, 61 Grove 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 42 Board members in favor.

**21. Highline Restaurant LLC, d/b/a Santina, 820 Washington St. (OP Alteration to expand existing outdoor seating area- Laid Over)**

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 10<sup>th</sup>, 2015, the Applicant's attorney requested to layover this application for an alteration application for an existing restaurant on-premise liquor license to expand the existing outdoor seating area 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 alteration to any existing on premise liquor license, corporate change, class change, transfer, 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 42 Board members in favor.

**22. Food Love 125, Inc. d/b/a Ramen Torii, 4 Union Square South 10003 (New RW – Failed to appear)**

Whereas, the Applicant failed to appear before CB2, Manhattan's SLA Licensing Committee Meeting on September 10<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 in both August 2015 and September 2015;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny 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 **Food Love 125, Inc. d/b/a Ramen Torii, 4 Union Square South 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 42 Board members in favor.

**23. James Perse, d/b/a James Perse, 368 Bleecker St. 10014 (New RW - Laid Over)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 10<sup>th</sup>, 2015, the Applicant's attorney requested to layover this application for a restaurant wine license for a café within a retail store 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 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 **James Perse, d/b/a James Perse, 368 Bleecker 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 42 Board members in favor.

**24. Nix, LLC, 72 University Pl. 10003 (New OP – Laid Over)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 10<sup>th</sup>, 2015, the Applicant's attorney requested to layover this application for a restaurant 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 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 **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 42 Board members in favor.

**25. Mookambika Group, Inc. d/b/a Masala Times, 194 Bleecker St. 10012 (Beer Only – Laid Over)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on September 10<sup>th</sup>, 2015, the Applicant’s attorney requested to layover this application for a new beer only license (eating place beer) 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, eating place beer license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **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 42 Board members in favor.

**26. Bobwhite Convert, LLC d/b/a Bobwhite Counter, 57 7<sup>th</sup> Ave. So. 10014 (New OP - Laid Over)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on September 10<sup>th</sup>, 2015, the Applicant’s attorney requested to layover this application for a new restaurant 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 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 **Bobwhite Convert, LLC d/b/a Bobwhite Counter, 57 7<sup>th</sup> Ave. So. 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 42 Board members in favor.

**27. Prime 135 NYC, LLC d/b/a Prime 135, 135 7<sup>th</sup> Ave. So. 10014 (Upgrade to OP - Withdrawn)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on September 10<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; and

**Whereas**, there is community opposition;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed upgrade from a restaurant wine license to an on-premise liquor license, corporate change, any other class change, alteration, transfer, or changes to any existing license for **Prime 135 NYC, LLC d/b/a Prime 135, 135 7<sup>th</sup> Ave. So. 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 42 Board members in favor.

## **TRAFFIC AND TRANSPORTATION**

### **1. Resolution in support of Comptroller Scott Stringer's ClaimStat Report on Defective Roadways**

**Whereas** Andrew Kalloch, Deputy Policy Director for NYC Comptroller Scott M. Stringer, presented the Comptroller's recently released ClaimStat Alert addressing claims on personal injury and property damage from defective roadways, much of this caused by potholes and also other roadway damage such as cracked streets and sinkholes; and

**Whereas** ClaimStat Alerts were created by the Comptroller's office as a data-driven approach for analyzing claims reported to the office in order to "identify patterns and practices that lead to lawsuits against the City... to flag troubling patterns as they occur" (<http://comptroller.nyc.gov/reports/claimstat/>); and

**Whereas** this ClaimStat report covers defective roadway claims for the last six fiscal years (July 1, 2009-June 30, 2015) which in total cost New York City over \$138 million; and

**Whereas** within that time there have been over 12,000 claims for car and truck damage and nearly 6,000 personal injury claims, with the highest number of trip and fall claims (1,832) occurring in pedestrian-heavy Manhattan; and

**Whereas** the data provided by this ClaimStat Alert can serve not only as a guide for saving the City money, but also as a valuable tool to direct NYC Department of Transportation (DOT) actions and resources to areas in need of repair and remediation, while also helping to establish priorities; and

**Whereas** DOT has laudably initiated steps to improve pothole maintenance, such as weekly pothole blitzes, targeted repaving, material enhancements, and testing of rubberized asphalt and other surfaces for greater resistance, but the Comptroller's office suggests additional steps that may help avoid damaging road impacts, including re-evaluation of DOT protocols to ensure proper restoration after utility/street work, quicker sequencing between milling and repaving, and particularly consideration of complete reconstruction of some streets rather than piecemeal patching, for a longer-lasting, more cost-effective solution; and

**Whereas** this ClaimStat report indicates that 2011, 2014 and 2015, the years in the study with the greatest snowfalls, had the greatest number of claims, suggesting a correlation between heavy snows and ensuing potholes, and future profusely snowy winters are anticipated entailing preparation to minimize damage; and

**Whereas** although it is shown that more pedestrians have been affected with personal injury than other transportation modes, the report does not have a breakdown of the specific number of pedestrians affected or between pedestrians, autos and other transportation modes, which could help assess areas and types of needed repair;

**Therefore be it resolved** that CB2, Man. thanks Comptroller Stringer’s office for presenting their ClaimStat Alert on Defective Roadways and commends and welcomes this report for its data-based identification of trouble spots and practices that will help guide actions to repair and remediate damage to our streets and roadways; and

**Be it further resolved** that CB2, Man. encourages DOT to make full use of the information this ClaimStat Alert provides in performing street repairs and improvements, and supports the cooperative efforts and further coordination between DOT and the Comptroller’s office to ensure optimum street and roadway repair and restructuring; and

**Be it further resolved** that CB2, Man. asks that DOT seriously consider the ClaimStat report’s recommendation for complete reconstruction of some streets rather than piecemeal patching, as well as its suggestions for reviewing protocols to ensure proper street restoration after utility work, and for quicker sequencing between milling and repaving; and

**Be it finally resolved** that CB2, Man. suggests that this detailed report also include a breakdown of the specific number of pedestrians affected by defective roadways as well as between pedestrians, autos and other transportation modes.

Vote: Unanimous, with 42 Board Members in favor.

**2. Resolution requesting a split phase traffic light cycle at W. 4<sup>th</sup> St. and 6<sup>th</sup> Ave. (Ave. of the Americas) intersection and other traffic safety improvements on W. 4<sup>th</sup> St. leading to that intersection**

**Whereas** this past July a man crossing with the light on 6<sup>th</sup> Ave. (Ave. of the Americas) at W. 4<sup>th</sup> St. was struck and seriously injured by a double-decker tour bus that was turning left onto 6<sup>th</sup> Ave. from W. 4<sup>th</sup> St.; and

**Whereas** W. 4<sup>th</sup> St. is highly irregular as it approaches 6<sup>th</sup> Ave. from the west, widening in a flare as it comes east after Jones St. toward the intersection, creating a confusing, hazardous crossing for pedestrians, as well as a highly dangerous turn onto 6<sup>th</sup> Ave., compounded by the traffic light turning green for both pedestrians crossing 6<sup>th</sup> Ave. and vehicular traffic turning left onto 6<sup>th</sup> Ave. at the same time; and

**Whereas** vehicular traffic feeding into W. 4<sup>th</sup> St. from Cornelia St. on the south serves to further exacerbate confusion as well as vehicle/vehicle and vehicle/pedestrian conflicts and threats, despite a Stop sign at Cornelia and W. 4<sup>th</sup> Sts.; and

**Whereas** according to the National Highway Traffic Safety Administration, New York State has the most pedestrian fatalities caused by left-turning vehicles, and according to the NYC Dept. of Transportation (DOT), left-turn pedestrian collisions outnumber right-turn collisions 3-1 (CHEKPEDS 08/29/15); and

**Whereas** recent research (Li Chen, Cynthia Chen, Reid Ewing – Journal of Transport Policy) has shown that “**split-phase timing**” of signals involving a third phase of the traffic cycle that stops all turns so pedestrians can cross (but not vehicular movement in all directions as in a “Barnes Dance”) is extremely effective in protecting crossing pedestrians; and

**Whereas** a significant amount of ponding occurs on W. 4<sup>th</sup> St. from Cornelia St. to 6<sup>th</sup> Ave.; and

**Whereas** there is an extensive number of double-decker tour buses that come down W. 4<sup>th</sup> St. all at once. In the course of five minutes, eight tour buses were observed (most from the same company) turning left from W. 4<sup>th</sup> St. onto 6<sup>th</sup> Ave.;

**Therefore be it resolved** that CB2, Man. urges DOT to change the traffic light signal phase for the left turn from W. 4<sup>th</sup> St. to 6<sup>th</sup> Ave. to “split phase timing” for a separate, conflict-free pedestrian crossing on 6<sup>th</sup> Ave., i.e., so that crossing pedestrians and turning vehicles don’t get green “go” signals at the same time there, but instead an exclusive green light phase for pedestrians crossing 6<sup>th</sup> Ave., that operates concurrently with a red left-turn arrow on W. 4<sup>th</sup> St. preventing vehicles from turning left/north from W. 4<sup>th</sup> St. on to 6<sup>th</sup> Ave. at the same time pedestrians are crossing, but allowing through traffic to proceed east on W. 4<sup>th</sup> St. with a green light); and

**Be it further resolved** that CB2, Man. asks that DOT study the area to assess the suitability of the following suggested traffic safety improvements on W. 4<sup>th</sup> St. and install the most suitable and mutually reinforcing ones;

- Add a crosswalk across W. 4<sup>th</sup> St. from Cornelia St. to 6<sup>th</sup> Ave. to slow approaching motor vehicles.
- Add striped "box" in box-shaped area between stop lines & crosswalk at 6<sup>th</sup> Ave (crossing W. 4<sup>th</sup>, west of 6<sup>th</sup> Ave).
- Add bollard, planter, or other physical impediment at northwest corner of 6<sup>th</sup> Ave. & W. 4<sup>th</sup> St. to prevent vehicles from "cutting the corner."
- Add striping on W. 4<sup>th</sup> St. to designate two lanes of traffic.
- Add word "STOP" painted before stop lines on W. 4<sup>th</sup> & Cornelia Sts.
- Put an additional traffic signal light on W. 4<sup>th</sup> St. west of the "box", replacing the Stop sign. This light could be timed to establish a phase for traffic from Cornelia to move through the intersection without having to always "mix" with traffic from W. 4<sup>th</sup> St.
- Install a speed hump at Cornelia St. where the Stop sign now is located.; and

**Be it further resolved** that CB2, Man. asks DOT to look at re-grading W. 4<sup>th</sup> St. from Cornelia St. to 6<sup>th</sup> Ave. to remedy ponding; and

**Be it finally resolved** that CB2, Man. requests that DOT strongly consider reducing the number of double-decker tour buses that travel W. 4<sup>th</sup> St. to 6<sup>th</sup> Ave.

Vote: Unanimous, with 42 Board Members in favor.

## **BY LAWS REPORT**

These bylaws of Community Board #2, Manhattan, (“the Board”) shall conform to the provisions of the Charter of the City of New York, including but not limited to Section 2800. The Board boundaries, unless changed by State and City law, are 14<sup>th</sup> Street, Canal Street, Fourth Avenue/the Bowery and the Hudson River.

## 1) MEMBERSHIP

- a) The Board shall consist of not more than fifty persons appointed by the Borough President in accordance with applicable provisions of the City Charter.
- b) Members of the Board shall serve without compensation.
- c) All members shall serve on the Board in their capacities as private citizens only. Their actions shall not be instructed by, or responsible to, any other organizations with which they may be affiliated.
- d) Any members participating in the Board's consideration of a matter involving self-serving or conflicting interest shall state the nature of the conflict in speaking to the issue, recuse from voting on such matters and such recusal shall be so recorded.
- e) Any member appearing before a government body and making a statement which conflicts with positions adopted by the Board shall first, before making such statement, identify herself/himself as a member of Community Board #2, Manhattan, and clearly state that the position being taken is not the position of the Board. No member shall represent the Board's position before any City or other government agency or authority unless designated to do so by the Board Chair.
- f) Each Board member shall serve on one or more Standing Committees to which he/she is appointed by the Board Chair except that no member shall be required to serve on more than two committees.
- g) Each board member shall serve on two Standing Committees except that upon request of the member, and taking into consideration of the needs of the board and its committees as well as the member's other contributions to the board and the community, the Chair may allow a member to serve on one Standing Committee only.
- h) Each board member shall regularly attend meetings of the full board and all committees on which he/she serves. A Board member shall not be deemed present at a meeting unless he/she is in attendance during substantially all of the meeting.
- i) Each board member must give proper notification whenever he/she will be unable to attend a meeting
- j) The Board Chair may, after consultation with the Executive Committee, recommend to the Borough President the removal of a board member for cause, which may include unsatisfactory attendance at full board and/or committee meetings.
- k) Membership on the Board shall as much as possible have such diversity of interest as shall be representative of the community.

## 2) OFFICERS OF THE BOARD

- a) The officers of the Board shall be Chairperson, First Vice Chairperson, Second Vice Chairperson, Secretary, Assistant Secretary, and Treasurer and such other officers designated by the Board.
- b) Each officer shall perform such duties as are incident to the office in accordance with generally accepted rules of parliamentary procedure, including:

i) DUTIES OF THE CHAIR

- (1) To perform all duties as prescribed in the City Charter and any other duties prescribed under law.
- (2) To receive Calendars and notices of meeting of all City Agencies required to refer matters to the Community Boards pursuant to the City Charter and to inform the Board members of such Calendars and notices.
- (3) To attend any meetings required by the Mayor and/or the Borough President pursuant to the City Charter or to designate his/her representative or representatives to attend.
- (4) To open regular monthly meetings at the time and date at which the Board is to meet, by taking the chair and calling members to order.
- (5) To announce the business before the Board according to the agenda.
- (6) To state and put to a vote all questions or resolutions which are to be moved or which necessarily arise in the course of the Board's business and to announce the result of the vote.
- (7) To interpret and enforce Robert's Rules of Order, except as otherwise provided by these bylaws or the City Charter.
- (8) To decide all questions of order.
- (9) To represent and stand for the Board and perform all necessary functions according to the decisions duly made by the Board, including communicating with government agencies. Such communications shall be sent directly to the appropriate Government agency with a copy of the same simultaneously forwarded to the Borough President's office, and any other pertinent City, State or Federal office or elected official's office.
- (10) To authenticate all acts, orders and proceedings of the Board including the countersigning of all letters and documents of whatever nature going out from the Board, unless otherwise authorized, and to be the sole spokesman for the Board in relation to the news media, agencies of government and the public at large, except as he/she shall otherwise specifically authorize.
- (11) To call to order and adjourn regular monthly meetings
- (12) In consultation with the Executive Committee, to create new committees, working groups, and task forces of the Board including Standing Committees and to disband such committees as may exist.
- (13) To appoint, suspend or remove Chairs of the Standing Committees of the Board and to establish and appoint, suspend or remove the Chairs of such special committees as may from time to time be deemed necessary for the best performance of the Board's function.
- (14) In consultation with Committee Chairs, to appoint members to all committees or to remove members from such committees .
- (15) To appoint representatives of the board to Business Improvement Districts and other governmental, non-profit, community based, or other organizations, as appropriate.

(16) To prepare and deliver the Chair's report.

(16) Because of the possibility the Vice Chairs having to act in the absence of the Chair as hereinafter provided, to keep the Vice Chairs informed of all information, orders, directives, and other matters coming to the Chair's attention.

(17) Appointees of the Chair to any position may be removed from such position at any time by the Chair and the term of all such appointees shall terminate upon commencement of a new Chair's term.

(18) The term "Chair" is used in these by-laws to describe the presiding officer of the Board. Any individual elected to that office may not style himself/herself by other terms. This rule shall also apply to the First Vice Chair and the Second Vice Chair.

(19) The Chair may appoint a parliamentarian if he/she chooses.

ii) DUTIES OF THE VICE CHAIRS

(1) The First Vice Chair shall preside at the regular monthly meeting in the place of the Chair when the Chair is absent or when the Chair requests. In the absence of the First Vice Chair, the Second Vice Chair shall preside at the meeting.

(2) The First Vice Chair and the Second Vice Chair shall assist the Chair as needed.

(3) If the Chair can no longer serve or is unable to serve as Chair before his/her term has expired, the First Vice Chair shall succeed the Chair for the balance of the term for which the Chair was elected. If both the Chair and the First Vice Chair can no longer serve or are unable to serve, the Second Vice Chair shall succeed the Chair for the balance of the term for which the Chair was elected. If the Second Vice Chair can no longer serve or is unable to serve, the Secretary shall convene and chair a meeting of the Executive Committee prior to the upcoming full board monthly meeting to establish a process by which the Board shall elect new officers.

iii) DUTIES OF THE SECRETARY

(1) The Secretary shall be the recording officer of the Board taking the minutes of the regular monthly meetings and shall be assisted in the compilation and typing of such minutes by the Board staff. The final version of the minutes as submitted by the Secretary and approved by the Chair shall be distributed, and copies forwarded to the Borough President and the offices of City, State, and Federal elected officials representing the Board.

(2) If both the Chair and the First and Second Vice Chairs are absent from an Executive Committee or Board meeting, then the Secretary shall assume the duties of Chair for that meeting only.

(3) Because of the possibility of the Assistant Secretary having to act in the absence of the Secretary, as herein provided, the Secretary shall keep the Assistant Secretary informed of all information, orders, directives and other matters coming to the Secretary's attention.

iv) DUTIES OF THE ASSISTANT SECRETARY

- (1) The Assistant Secretary shall act as Secretary and record and report the minutes if the Secretary is not present at the regular monthly meeting. He/she shall also, if the Secretary is present, aid the Secretary in any manner deemed necessary and also take the minutes of the Monthly Executive Committee Meeting, to be submitted to the Board Office and Chair.

v) DUTIES OF THE TREASURER

The Treasurer shall oversee the bookkeeping procedures of the Board and shall be responsible for all fiscal matters pertaining to the Board's Operating Budget. He/she shall present to the Board annual reports of current allocations, prorated expenditures, and proposed operating budgets.

**3) BOARD MEETINGS**

a) Regular Meetings.

- i) There shall be at least one regular, monthly meeting of the Board per month, except in August at such time and place as shall be designated by the Chair in the notice of the meeting sent to the Board members as hereinafter provided.

b) Special Meetings.

- i) A Special Meeting of the Board shall be a meeting other than the regular monthly meeting.
- ii) A Special Meeting shall be called by the Board Chair (a) at the Board Chair's own volition, (b) at the Borough President's request, (c) upon resolution adopted by the Board, or (d) upon written notice signed by at least one third of the Board members and presented to the Board Chair.
- iii) A special meeting shall be called upon five day's notice, in writing, with specification of the purpose of the meeting and a delineation of the agenda of such meeting, and such meeting shall be governed by the same procedures as a regular Board meeting.

c) Emergency Meetings.

- i) An emergency meeting shall be a meeting in the manner of a special meeting but in circumstances where time is of the essence and decisions are required immediately. Where five days' notice cannot be given, at least 48 hours notice must be given.
- ii) Notice for an emergency meeting may include telephone and/or email.

d) Agenda

- i) An agenda shall be drafted by the Board Chair with the assistance of the Executive Committee and District Manager at least 1 business day before each regular meeting. The agenda should outline the Board Chair's suggestion of business to be transacted at the meeting. The notice of time and place of the meeting shall be published at least three days before the regular monthly meeting of the Board.

(1) Opening of meeting and adoption of agenda

(2) Public Session. There shall be a Public Session at each regular monthly meeting, in two parts.

- (a) The first part shall be that period during which any person with an interest in the district shall be afforded an opportunity to bring to the attention of the Board any matter not on the agenda that is of general interest to the community and the Board.
  - (b) The second part shall be that period during which any person shall be afforded an opportunity to speak regarding any item on the agenda.
  - (c) In the interest of affording the maximum opportunity to all persons to be heard, each speaker shall be limited to a period of no more than two minutes unless otherwise permitted by the Board Chair.
- (3) Executive Session. There shall be an Executive Session embracing all items on the Agenda listed below. The Executive Session shall be that portion of the Board meeting where only members of the Board may debate the issues and vote on such issues. The public is invited to be present as observers of the Board's proceedings except on matters pertaining to personnel or disciplinary issues. A person in attendance who is not a Board member, upon request of the Board Chair, may respond to questions in the Executive Session.
- (a) Adoption of the Minutes.
  - (b) Board Chair's Report
  - (c) Borough President's Report
  - (d) Reports from Council Members and Other Public Officials
  - (e) District Manager's Report
  - (f) Committee Reports
  - (g) Old Business (unfinished items from previous meetings)
  - (h) New Business (matters added to the agenda during the meeting and any other business that may properly come before the Board)
  - (i) Adjournment
- e) The Board must record in its minutes the votes of each of its members on every vote taken by the Board.
- f) The Chair may appoint a parliamentarian.

#### 4) RULES OF ORDER

- a) All meetings of the Board shall be conducted in accordance with Roberts Rules of Order except that in accordance with the City Charter all actions shall be decided by a majority of the quorum present. Any member who recuses from a vote is not a voting member for the matter and shall not be counted as for the purpose of determining a majority.
- b) Any act or decision of the Board shall be made by a majority of the Board members present and entitled to vote, provided a quorum is present.
- c) A majority of the appointed members of the Board shall constitute a quorum of such Board.



- d) No proxies. All voting in Board meetings and committee meetings shall be in person only.
- e) In accordance with the City Charter, all meetings of the Board and its committees are open to the public as observers, except when matters involving Board personnel, discipline or finances are considered.
- f) Neither the Board nor any committee of the Board shall meet on any New York State-recognized Federal holiday. These holidays are: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day and Christmas Day.

## 5) EXECUTIVE COMMITTEE

### a) Composition

- i) The Executive Committee members shall be the Chair, First Vice Chair, Second Vice Chair, Secretary, Assistant Secretary, Treasurer, all Standing Committee Chairs, and, for one year only, the immediately prior Chair of the Board.

### b) Responsibilities

- i) To assist the Chair in preparing the Board agenda and calendar and other matters.
- ii) The Executive Committee may bring forward any matter for action by the Board.
- iii) The Executive Committee may transact such business as necessary, provided notice is given to all members of the Board of the proposed meetings with an opportunity to attend and observe the action of the Executive Committee. Any such action shall be ratified by the Board membership at the next regular meeting of the Board. If any action taken by the Executive Committee on behalf of the Board is not ratified by the Board at its next regular meeting, there shall be no further implementation of the action and the Board shall withdraw the action.

## 6) COMMITTEES

- a) There shall be Standing Committees and other committees as established by the Chair in consultation with the Executive Committee.

### b) Committee Chairs

- i) Each committee shall have a chair appointed by the Board Chair at his/her sole discretion and any committee member may be removed from such office by the Board Chair with or without cause.

### c) Committee Membership

- i) Board members shall be appointed to serve on committees, task forces, and working groups by the Board Chair at his/her sole discretion and any member may be removed from a committee by the Board Chair with or without cause.
- ii) Public Members

- (1) After consultation with the committee chair, the Chair may appoint non-Board-members to serve as Public Members of each committee other than the Executive Committee except that the number of public members on a committee shall be fewer half of number of board members.
- (2) Public members shall serve one-year terms coinciding with the calendar year and shall be required to re-apply for such membership each year.
- (3) Public members shall be governed by the same rules and held to the same standards of conduct applicable to Board members under these bylaws, including disclosure of conflicts and recusal from votes.
- (4) Public members may be removed by the Chair at his/her sole discretion after consultation with the respective Committee Chair.

#### d) Committee Meetings

- i) Committee meetings shall be conducted under the same procedures as Board meetings except that committees may adopt additional procedures consistent with Board procedures and these by-laws.
- ii) All meetings shall be open to the public except when personnel issues are discussed.
- iii) Committee Agendas and Public Hearings shall be arranged to allow sufficient time for the Committee to recommend and the Full Board to adopt or amend recommendations and transmit them to the appropriate government bodies, in keeping with these same government bodies' calendars, or within the time frame established the City Charter or by the Uniform Land Use Review Procedures.
- iv) There shall be a quorum only when and only when a majority of the board members on the committee are present.
- v) Any resolution that receives a majority vote of the committee including Board members and public members taken together shall be brought to the full Board for consideration.
- vi) Committees shall keep attendance records and shall report the votes on all resolutions to the full board together with separate tallies of Board members and public members.

### 7) ELECTION OF OFFICERS

#### a) Terms of Officers

- i) Officers shall be elected to serve one-year terms with each term beginning December 1<sup>st</sup> and ending November 30<sup>th</sup> of the following year.
- ii) To provide the greatest opportunity of service for each member of the Board, no Chairperson shall serve for more than two consecutive terms. In the event the Chair leaves office before his/her term expires and the remainder of her/his term is more than six months, the remainder shall be counted against the successor as a full term and, if six months or less, the remainder shall not be counted at all.

b) The Election Process

- i) At its November regular meeting, the Board shall elect members to the offices of Chairperson, First Vice Chairperson, Second Vice Chairperson, Secretary, Assistant Secretary, and Treasurer.
- ii) At its September regular meeting, the Board shall elect, by open ballot, five members from among those present at the meeting to serve on the Elections Coordinating Committee.
- iii) Nominations shall be taken from the floor and shall not be closed only as long as any member requests to be recognized to make an additional nomination. The committee shall elect its own chair immediate following its election, prior to the adjournment of the board meeting.
- iv) Any member of the Board who is a candidate for any office may not serve on the Election Coordinating Committee unless no other candidate for a given office emerges, in which case a member of the Election Coordinating Committee may be nominated by the Election Coordinating Committee, or any Board member, from the floor for such an office.
- v) The Election Coordinating Committee shall assist the Board in assuring a fair, transparent, and efficient election of officers in accordance with these bylaws. The Election Coordinating Committee shall take no action to influence the selection of nominees or the outcome of the election.
- vi) Within 15 days after the September meeting of the Board, any member of the Board may nominate him or her self for election to one office. Such nomination shall be in writing to the District Manager and may include a statement from the member. The District Manager shall submit such nominations and statements to the Elections Coordinating Committee which, subject only to withdrawal of a nomination, shall constitute the Nominations Report.
- vii) The Elections Coordinating Committee report shall be included in the materials for the October regular meeting of the Board and included on the agenda before the Standing Committee Reports. Such report shall include a draft Elections Plan and the Nominations Report. Upon approval by the board of the Elections Plan, the chair of the Elections Coordinating Committee shall read the Nominations Report. The Chair shall then open the floor for additional nominations at which time any member, upon recognition by the Chair, may nominate any member who is present at the meeting, including him or her self, for any position, except that no member may be a nominee to more than one office. Members may also decline nomination or withdraw from prior nomination. Nominations shall not be closed as long as any member requests to be recognized to make an additional nomination.
- viii) At the November meeting of the Board there shall be a separate election held for each office for which one or more members have been nominated. Whenever there is more than one candidate for an office, each candidate shall have equal time at the meeting to state why he/she wishes to serve. Voting shall be by written open ballot. To be elected, a nominee must receive the majority of those voting with any tie decided by lot. If there are three or more nominees for an office and none receives a majority there shall be a run-off between the two nominees receiving the most votes. In case of any tie, a revote shall be held immediately. A second tie will be decided by lot

## 8) DISTRICT MANAGER

- a) In accordance with the City Charter the District Manager shall serve at the pleasure of the Board.
- b) The duties of the District Manager are:
  - i) Assist the Chairperson and Committee Chairpersons in carrying out their responsibilities.
  - ii) Administer the Board Office. Direct the complaint procedures; plan agendas and chair the District Service Cabinet; oversee the Board operating budget expenditures and draft annual Board operating budgets; provide information and referrals to agencies, local institutions, groups and individuals; supervise processing of street and park permits.
  - iii) Guide the Board and its Committees through the various phases of participation in the City's budget process, and prepare necessary testimonies and other paperwork.
  - iv) Attend Board, community, and government body meetings when necessary.

## 9) NOTICE

E-mail shall serve as an appropriate method of providing written notice to Board Members in accordance with these Bylaws, unless a Member expressly requests otherwise.

## 10) AMENDMENTS

- a) These bylaws may be amended by majority vote of the Full Board.
- b) During New Business of any meeting of the Full Board, any member may propose a motion to amend these bylaws.
- c) Upon being seconded, the motion shall be tabled without discussion until the second subsequent full meeting of the Board.
- d) The elected officers of the board shall convene as a bylaws review group within 30 days of such motion and at meetings open to participation by all board members shall review the proposed amendment to assure no conflict with the New York City charter or other laws and consistency with other provisions of these bylaws, and shall prepare a recommendation to the Board.
- e) When the original motion is taken off the table, the review group shall present a recommendation to the board after which the board may a) approve the motion as made or as amended, b) approve a substitute motion, or c) take no action.
- f) Notwithstanding the above, upon written request from the Borough President, the board may at any time act upon a motion made and seconded to amend these bylaws.

**PLEASE SEE THE VOTES ON THE BY LAWS AMENDMENTS ON THE NEXT PAGE.**

Respectfully submitted,

Keen Berger, Secretary  
Community Board #2, Manhattan

# Russo Proposed Amendments

Changes accepted - 1, 2, 3, 4, 5, 7 -

Yes #1 - ADD BACK deleted paragraph 1)b) "Membership of the Board shall as much as possible have such diversity of interests as shall be representative of the community." Re-letter the subsequent paragraphs accordingly. Friendly accepted by chair.

No #2 - From 2)a) DELETE the words "and such other officers designated by the board". Voted down

Yes #3 - DELETE b)i)(16). Vote - ~~41-17~~ (Russo) - ~~227-197~~ (on roll call) - Accepted -

Yes #4 - ADD BACK deleted paragraph b)i)(20) "The Chair may appoint a parliamentarian, if he/she chooses." OK - Friendly

No #5 - REPLACE the last phrase of 5)a)1) with: "and, for one year only, the immediately prior Chair of the Board." - ~~Bergeman, Aaron, Cacapallo, Ely, Booth,~~ ~~Cude, Stewart, Woodworth~~ ~~Secunda, Frost, Bondanese~~ (30-71)

Yes #6 - DELETE 5)a)ii).

Yes #7 - REPLACE 7)a)ii) with original version: "To provide the greatest opportunity of service for each member of the Board, no Chair shall serve for more than two consecutive terms." Yes Friendly

#8 - From 7)b)i) DELETE: "and may also elect one member, if nominated by the Chair, to serve as Special Member of the Executive Committee." - Done already

No #9 - Rewrite clauses pertaining to Elections, as follows:  
Defeated  
DELETE 7)b)ii) and 7)b)iii) ~~34-22~~ Yes - Russo, Ma -  
2-39

ADD 7)b)ii): "Within 15 days after the September meeting of the Board, any member of the Board may nominate him or herself for election to one office. Such nomination shall be in writing or by email to the District Manager."

ADD 7)b)iii): "At the regular October Board meeting, the Chair shall open the floor for additional nominations at which time any member, upon recognition by the Chair, may nominate any member who is present at the meeting, including him or herself, for any position, except no member may be a nominee to more than one office. Members may also decline nomination or withdraw from prior nomination. Nominations at the October meeting shall not be closed as long as any member requests to be recognized to make an additional nomination."

ADD 7)b)iv): "Within 15 days after the October meeting of the Board, the District Manager shall circulate to all Board members a complete list of all names placed in nomination for each elective office."

ADD 7)b)v): "During the period between the September and November meetings of the Board, Candidates for any office and other board members may distribute statements related to the election to all members of the Board via email and/or distribute or circulate printed materials to Board members."

#10 - See Front Page -

Amendment - That in case of tie, repeated votes  
Russo, Smith, Ma, Spence, Rothstein,  
Connor Meadows  
Sanz, Rakoff -  
Gammie

#11  
10 - 31 not in favor  
In favor