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Daniel Miller, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Keen Berger, *Secretary*
Erik Coler, *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: January 19, 2017
TIME: 6:30 P.M.
PLACE: Scholastic Building, 557 Broadway, Auditorium

BOARD MEMBERS PRESENT: Keen Berger, Tobi Bergman, Richard Caccappolo, Erik Coler, Terri Cude, Chair; Cristy Dwyer, Robert Ely, Kathleen Faccini, Cormac Flynn, Joseph Gallagher, Susan Gammie, Jonathan Geballe, Sasha Greene, Susan Kent, Jeannine Kiely, Maud Maron, Daniel Miller, Lauren Racusin, Lois Rakoff, Sandy Russo, Rocio Sanz, Shirley Secunda, Kristin Shea, Frederica Sigel, Shirley Smith, Susan Wittenberg

BOARD MEMBERS ABSENT WITH NOTIFICATION: Susanna Aaron, Katy Bordonaro, Anita Brandt, Lisa Cannistraci, Ritu Chattree, Tom Connor, Doris Diether, Edward Ma, Bo Riccobono, Chenault Spence, Antony Wong, Elaine Young

BOARD MEMBERS ABSENT: Joshua Frost, Jonathan Geballe, Delaney Kempner, Alexander Meadows

BOARD MEMBERS PRESENT/ARRIVED LATE: Carter Booth, Don Borelli, Coral Dawson, Billy Freeland, Robin Goldberg, David Gruber, Robin Rothstein

BOARD MEMBERS PRESENT/LEFT EARLY: None

BOARD STAFF PRESENT: Bob Gormley, District Manager; Josh Thompson, Assistant District Manager, and Florence Arenas, Community Coordinator

GUESTS: Robert Atterbury, Congressman Jerrold Nadler's office; Elena Sorisi, Jared Odessky, Senator Brad Hoylman's office; Eric Mayo, Senator Daniel Squadron's office; Lucille Songhai, Manhattan Borough President Gale Brewer's office; Charles Anderson, Assembly Member Deborah Glick's office, Dan Campanelli, NYC Comptroller Scott Stringer's office; Adam Chen, Public Advocate Letitia James' office; Patrice Comerford, Council Member Corey Johnson's office; Jasmine Askew, Council Member Rosie Mendez's office; Vincent Fang, Council Member Margaret Chin's office; Pete Davies, Dan Fehlig, Alice Carey, Jane Carey, Mostafa Ostosman, Darlene Lutz, James Campbell, David Karlin, Jessie Mao, Adit Kumar, Kathryn McAuliffe, Danielle Goldfarb-Bedrick, Kory Worl, Kay Powell, Dan Egers, Jordan Schaps, Ron Hunnings, Lisa Fromartz, Justin Levinson, Amy Brenna, Carol Friedman, Cesar Flores, Victoria Borus, Valentine Goldstein, Mark Dicus, David Platzler, JR Randall, Ray Cline, Elie Peltz, Julian M. Hobson, Alisa Nguyen, Chelsea Arlen, Yukie Ohta, Harry Powell, Barbara Haskell, Geoffrey Knox

MEETING SUMMARY

Meeting Date – January 19, 2017
Board Members Present – 32
Board Members Absent With Notification – 12
Board Members Absent - 4
Board Members Present/Arrived Late - 7
Board Members Present/Left Early – 0

I. SUMMARY AND INDEX

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II. PUBLIC SESSION

Non-Agenda Items

SoHo Broadway BID
Mark Dicus announced an open house event.

Light and Art
Pete Davies spoke in favor of light and art.

Canada Goose
Ron Hunnings, David Platzler, Kathryn McAuliffe, Victoria Borus, Lisa Fromartz, and Barbara Haskell, spoke against the intolerable noise due to protestors in front of the retail store.

BAMRA Dessert Crawl
Lois Rakoff spoke regarding the upcoming dessert crawl event sponsored by BAMRA.

Whitney Museum of American Art
Jan Carey updated everyone regarding current and upcoming events.

Landmarks & Public Aesthetics Items

145 Perry St.
Jordan Schaps, and Geoffrey Knox, spoke regarding the landmarks application.

Parks/ Waterfront

Tony Dapolito Recreation Center

Danielle Goldfarb-Bedrick updated everyone regarding new events and programs at the Center.

SLA Licensing Items

57 Grand Street Café Corp, d/b/a Toad Hall, moving from 57 Grand St. to 62 Grand St.

Harry Powell, Cesar Flores, Carol Friedman, and Kay Powell, all spoke in opposition to this liquor license 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

Eric Mayo, Senator Daniel Squadron's office;

Dan Campanelli, NYC Comptroller Scott Stringer's office;

Lucille Songhai, Manhattan Borough President Gale Brewer's office

Charles Anderson, Assembly Member Deborah Glick's office

Patrice Comerford, Council Member Corey Johnson's office

Vincent Fang, Council Member Margaret Chin's office;

Jasmine Askew, Council Member Rosie Mendez's office,

V. ADOPTION OF MINUTES

Distribution of December 2016 minutes

VI. EXECUTIVE SESSION

1.**Chair's Report** Terri Cude reported.

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

STANDING COMMITTEE REPORTS

LANDMARKS AND PUBLIC AESTHETICS

1. ***463 West St. (Westbeth)** - Application regarding resiliency upgrades, including elevation of the electrical and boiler systems, dry flood proofing of the fire pump room, provision of flood gates for certain windows, and replacement of the courtyard's structural system to provide handicap accessibility.

Whereas:

- A. The insertion of a new ADA compliant ramp is required in order to provide access into the interior courtyard from the West Street passageway; and
- B. the proposed ramp is visible from the West Street courtyard entry; and
- C. The existing stairs are to remain and the applicant demonstrated why the proposed ramp cannot have fewer than three legs; and
- D. The details of the proposed reinforced concrete and steel pipe ramp and railings are informed by the existing 1968 Richard Meier ramp that needs to be replaced; now

Therefore be it resolved that CB2, Man. recommends approval of the proposal.

Vote: Unanimous, with 32 Board members in favor.

2. ***126 Waverly Place** - Application to introduce storefronts east of the public entry that was a back entry storage location to the former commercial space for stand alone retail space and remake the storefront.

Whereas:

- A. The proposed storefronts are on the residential entrance side of the building and align with the height of the residential entry; and
- B. The same precast concrete elements that were used in the building's existing storefronts, but reduced in scale in order to bring into scale with the residential scale of the streetscape, will be used; and
- C. The proposal does not include storefront bulkheads of the type seen in the building's other storefronts; and
- D. The applicant indicated willingness, to incorporate this type of bulkhead into the proposal; and
- E. Any signage will be behind the glass storefronts; now

Therefore be it resolved that CB2, Man. recommends approval of the storefronts if the applicant is indeed willing to incorporate bulkheads of appropriate proportion into the storefront design.

Vote: Unanimous, with 32 Board members in favor.

3. *21 West 10th St. Application is to restore the rear facade; lower the areaway and rear garden; excavate the cellar and expand it under rear yard; replace areaway ironwork; replace parlor floor French door railings at street façade and install new parlor floor French doors and railings at rear façade; and convert the building from multi-family apartments to single family residence.

Whereas:

A. The overall thrust of the restoration and alteration of the street facade reflects respect for the building's original Italianate roots; and

B. The areaway will lowered by 12" and be paved to match the sidewalk's bluestone with planters to match existing brownstone; and

C. The non-original 6' high areaway fence will be replaced by a fence replicating and aligning with the existing, neighboring cast iron fence at 19 West 10th; and

D. The existing, non-original curved first floor balcony railings will be replaced by balcony railings inspired by, but not identical to, the existing balcony railings at 15 West 10th, which are more consistent with the building's origins; and

E. The existing non-original entry door will be replaced by a wooden door unit that references an existing one at 37 West 10th and is more consistent with the building's architecture; and F. The existing non-original French doors and small windows at the garden level rear facade will be replaced by wooden French doors, stone pilasters, and ornamental lintels that indicate the same respect for the building as the front facade; and

G. The proposed first floor rear French doors with transom will match the front units, as will the metal railings, and will require new facade infill at the masonry openings; and

H. The committee commends the applicant for his sensitivity to and respect for the building, particularly with respect to the rear facade; now

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

Vote: Unanimous, with 32 Board members in favor.

4. *143 Prince St. – Application is to extend existing storefront design to additional frontage on West Broadway at street level and cellar level door; install new signage to match previously approved signage on Prince St.; replace existing banner and repair and refurbish existing black metal stairs from side walk to cellar level. **(Withdrawn-LPC will review at staff level.)**

5. *10 Jones St.- Application is to install a new metal canopy with integrated lighting and new first floor security window grates.

Whereas:

A. The proposed new metal canopy projects 5' out and is unlike anything on this or other streets of similar scale in the historic district; and

B. The existing entryway to the building is recessed, negating the need for protection from rain that was cited by the applicant as a justification for the canopy; and

C. The design of the proposed new first floor metal security gates is entirely without reference in the district and the applicant, who did not know the date of the building, was unable to offer a rationale for the pattern other than it was something the client likes and already employs as an identifying device in two other buildings he owns, neither of which are located in historic districts; now

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

Vote: Unanimous, with 32 Board members in favor.

6. *453 Broome St. - Application is to legalize construction/installation of new granite paving and diamond plate for sidewalk on two sides of the location.

Whereas:

A. Sidewalk work involving the installation of granite paving and diamond plate was approved at LPC staff level a year ago with permission to remove glass vault lights granted on the condition that the lights would be examined by LPC staff and potentially reconfigured; and

B. The contractor proceeded to do the work and threw away the vault lights, without complying with the agreement that had been made at LPC; and

C. The applicant purports to have been unaware of his contractor's actions until it was too late, it is nonetheless the applicant's responsibility to exercise the oversight required to ensure that his agreement with LPC was adhered to and that historic material not be indiscriminately thrown away; now

Therefore be it resolved that CB2, Man. recommends denying legalization of the sidewalk renovation that has already occurred unless the applicant reintroduces cast iron and glass light risers and steps at each stair location, in acknowledgement of the importance of glass lights as a defining visual element of the district.

Vote: Unanimous, with 32 Board members in favor.

7. *11 Commerce St. - Application is to add a bulkhead for the stair, add a small mechanical penthouse on the roof and to enlarge windows on the rear facade.

Whereas:

A. The proposed verdigris copper clad bulkhead would not be visible from Commerce Street and is somewhat visible from Seventh Avenue; and

B. The bulkhead creates the necessity for increased chimney height , creating a peculiar, freestanding and visible chimney , which would provide a stark and overly important presence among this row of 1830's Greek Revival houses when viewed from Seventh Avenue, and

C. The enlargement of the windows on the rear facade is not visible, and

D. The existing front door and columns are to be cleaned and repaired, with trim around door to be replicated, with copper cornice on door painted to match previously permitted windows; and

E. A modest vintage gas light is proposed next to door; now

Therefore be it resolved that CB2, Man. recommends approval of the bulkhead, rails, rear windows, and front door, and requests that the applicant seek alternative solutions to the placement of the chimney, with the goal of minimizing its conspicuousness.

Vote: Passed, with 31 Board members in favor, and 1 in opposition (C. Flynn).

8. *439 Lafayette St. – Application is to renew a master plan for hand painted signage.

Whereas:

A. The applicant provided sufficient material to review in order to evaluate the signage that has appeared since the master plan was originally approved; and

B. This is simply a renewal of that plan; now

Therefore be it resolved that CB2, Man. recommends approval of the renewal of the Master Plan.

Vote: Unanimous, with 32 Board members in favor.

9. *145 Perry St. - Application is to construct a 6-story apartment building and an adjoining 4-story townhouse with a partial basement and an expanded footprint of rear yard open space.

Whereas:

A. The massing of the proposed buildings is appropriate to its location; and

B. While the detail, layering and juxtaposed materials from an eclectic assortment of Village references forms an original mixture, it is not conducive to dialogue with the neighborhood, preferring to shout above the rest; and

C. The heterogeneity of typology in the district is indeed a fact to be celebrated, it does not provide a blank check to design a building with so little regard for the surrounding area; and

D. The townhouse aims to "hold the corner", it, in fact, asserts a jarring monumentality that suggests a corporate or cultural institution more than a West Village townhouse, and, despite the applicant's contention that the building would "slip in" to the streetscape, exerts an overwhelming presence which throws the block out of balance ; and

E. The openings of the townhouse are varied, the relationship of them to each other is confusing and without a unifying historic reference to the district and they disrupt the continuity of street wall which otherwise would anchor it to the street and district; and

F. The apartment building might suggest an industrial motif which has a place in the district, the ratio of void to solid is out of character in the West Village; and

G. The expanded rear garden footprint is commended, and

H. The engineer committed to construction techniques designed to protect adjacent properties in the historic district, and

I. Members of the public from various entities including the Perry St. Block Association, the Greenwich Village Community Task Force, the Washington/W. 11th St Coop, and the Perry Street Crusaders all spoke out in opposition to the project; now

Therefore be it resolved that CB2, Man. recommends:

- A. Approval of the footprint and massing of both the townhouse and the apartment building.
- B. Denial of the buildings designs as presented, due to the overall monumentality of the townhouse design and the lack of historic district contextuality in both the townhouse and the apartment building.

Vote: Passed, with 30 Board members in favor, 1 in opposition (R. Sanz), and 1 recusal (B. Freeland).

LAND USE AND BUSINESS DEVELOPMENT

170006ZSM - 640 Broadway (SE corner of Bleecker St): Application for a Section 74-711 special permit to modify the height and setback regulations and the recreational space requirements to facilitate the construction of two penthouse additions.

Whereas:

1. This applicant seeks a special permit pursuant to ZR 74-711 to modify the height and setback regulations of ZR 43-43 and a waiver of recreational space requirements (ZR 42-14) to facilitate the construction of two penthouse additions containing a total of 2,288 square feet of floor area reallocated from elsewhere in the existing nine-story plus cellar and sub-cellar building located in an M1-5B zoning district (NoHo Historic District).
2. The building currently has 21 JLWQA units on floors 2-9 with UG6 on the first floor (retail stores plus an eating/drinking establishment), which are unaffected by this application.
3. In response to the Committee's request at the public hearing on December 14, 2016 to reduce the size of the two penthouses in order to provide rooftop recreation space, the penthouses were reduced from approximately 2,100 gross SF to approximately 1,200 gross SF combined.
4. Penthouses are not visible from any street.
5. There is now enough space to provide the required rooftop recreation space in compliance with DOB's requirements, so the applicant is no longer seeking a waiver of the rooftop recreation space requirement; only the waiver of the height and setback requirements for the penthouses is being sought.
6. Applicant will be upgrading access to the roof with a new staircase on the western side.
7. Applicant is also open to adding a staircase elevator to address handicap access.
8. No one from the public appeared in opposition to this application.

Therefore CB2, Man. recommends approval of this application.

Vote: Unanimous, with 32 Board members in favor.

2. *55-57 Spring Street (between Lafayette and Mulberry Streets) Application for a Zoning Text Amendment to change the Area of the Special Little Italy District in which the two buildings are located from Area A to Area A1, which is directly to the east, so that their ground floor commercial uses could cover their entire lots. If the application is approved, a total of approximately 1,750 SF would be added to their ground floors. **LAID OVER**

3. *10 Greene Street (between Canal and Grand Streets) CPC application 170137 ZSM for a special permit 74-711 in a M1-5B district to modify the use regulations to allow residential uses on portions of the cellar and ground floor and on the 2nd through 5th floors and proposed 2-story penthouse, and the use regulations of to allow retail uses on the ground floor and portions of the cellar of an existing 5-story building. **LAI D O V E R**

QUALITY OF LIFE

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

Juicerie 3, LLC, 581 Hudson St., with 14 tables and 26 chairs (28018-2016-ASWC)

Whereas, no member of the public appeared to speak about the application; and

Whereas, the applicants noted that while they do have a full liquor license, they do not intend to list liquor on their menu; and

Whereas, the hours of operation would be 7 days a week 8:00am to 10:00pm; and

Whereas, the applicants assured the committee that a bike rack now creating an obstruction in front of the storefront would be removed prior to opening the café and the configuration would be compliant with all applicable rules and laws;

Therefore be it resolved that CB2, Man. recommends approval of the application for assignment of revocable consent for the sidewalk café for **Juicerie 3, LLC, at 581 Hudson Street** with 14 tables and 26 chairs.

VOTE: Unanimous, with 32 Board Members in favor.

2. **FYI/Renewal Sidewalk Cafes:**

Whereas, no members of the public appeared to speak about the applications listed below; and

Whereas, the committee is unaware of problems associated with the applicants and their sidewalk cafés; now

Therefore Be It Resolved that CB2, Man. recommends approval of the applications for renewals of revocable consents for the following sidewalk cafés:

- Carapina, LLC, d/b/a GROM, 233 Bleecker St. 10014 with 4 tables & 8 chairs (2010315-DCA)
- Union Sq. 4th F&B Management, LLC, 132 4th Ave. with 6 tables & 12 chairs (2039971-DCA)

VOTE: Unanimous, with 32 Board Members in favor.

3. **Street Activities:**

A. **7/15/17 – 6th Annual WitchFest USA,** Astor Place between Broadway and Lafayette Street.

Whereas, WitchFest USA has been successfully held in CB2, Man. for the past six years without negative community impact, each year attracting increasingly larger community participation, and

Whereas, WitchFest USA is now registered as a 501(c)3 charity which engages in family- friendly educational programs about the Wiccan religion and culture and maintains an ongoing commitment to charitable work through its food drives, last year alone collecting over 200 lbs. of food for City Harvest and delivered to the Bowery Mission, and

Whereas, WitchFest USA, which operates the only Wiccan temple in New York state, has over the years of its operation demonstrated a positive and unique cultural contribution to the local community and provides a welcome street-fair experience through its workshops, non- and minimally amplified music, and the selection of vendors offering artisanal wares that reflect Wiccan culture, and

Whereas, proper notification was provided and no member of the public appeared to speak in opposition to the application,

Therefore Be It Resolved, that CB2, Man. recommends **approval** of the **6th Annual WitchFest USA** event on Astor Place between Broadway and Lafayette Street from 10:00am to 4:00pm on July 15, 2017.

Vote: Failed, with 22 Board members in opposition, and 10 in favor (K. Berger, T. Bergman, D. Borelli, T. Cude, C. Dwyer, J. Gallagher, S. Kent, M. Maron, L. Racusin, S. Secunda). SEE SUBSTITUTE RESOLUTION BELOW.

B. 7/15/17 – 6th Annual WitchFest USA, Astor Place between Broadway and Lafayette Street.

Whereas, the sponsor has no office in CB2, Man, and the recipients of the food collected are in CB3;

Therefore Be It Resolved, that CB2, Man. recommends **denial** of the **6th Annual WitchFest USA** event on Astor Place between Broadway and Lafayette Street from 10:00am to 4:00pm on July 15, 2017.

Vote: Passed, with 25 Board members in favor, and 7 in opposition (K. Berger, T. Bergman, C. Dwyer, J. Gallagher, S. Kent, M. Maron, L. Racusin).

FYI/Renewal Street Activities:

- **2/3/17 – 12/17/17** – St. Anthony Flea Market, West Houston St. between Thompson St. and MacDougal St.
- **5/6/17** – Perry-phernalia Block Party, Perry St. between Bleecker St. and West 4th St.
- **5/16/17** – Grad Alley 2017 Street Event, 1) West 3rd St. between Mercer St. and LaGuardia Pl., 2) LaGuardia Pl. between Washington Square South and West 3rd St.
- **5/27/17** – Stonewall Democratic Club West 4th Street Festival, West 4th St. between 6th Ave. and MacDougal St.
- **6/24/17** – BAMRA Bleecker Street Festival, Bleecker St. between Broadway and Sixth Ave.
- **7/2/17** – Pride on Astor Fair, Astor Place between Broadway and Lafayette St.
- **7/8/17** – Greenwich House Waverly Place Festival, Washington Square North between Washington Square West and 5th Ave.

- **7/29/17** – Ninth Precinct Community Council Astor Place Festival, Astor Place between Broadway and Lafayette St.
- **8/19/17** – GVCC Waverly Place Festival, Washington Square North between Washington Square East and 5th Ave.
- **9/2/17** – Bailey House Washington Square Festival, Washington Square North between University Pl. and MacDougal St.
- **9/9/17** – 6th Precinct Comm. Council – Village Center for Care Bleecker Street Festival, Bleecker St. between 7th Ave. South and 8th Ave.
- **10/22/17** – Washington Square Arch Fair, Washington Square North between MacDougal St. and fifth Ave. (location changed due to water main installation)

Therefore Be It Resolved that CB2, Man. **Recommends Approval** of the foregoing street activity renewal applications.

Vote: Unanimous, with 32 Board Members in favor.

SCHOOLS AND EDUCATION

Resolution Opposing the President Elect’s Nominee for Secretary of Education and Any Reductions in Federal Funding for Public Schools, Including Title I Funding

Whereas:

1. CB2, Man. has a deep commitment to the students of our community and a long-standing history of advocating for excellent public schools staffed by well-qualified teachers and highly capable administrators;
2. CB2, Man. recognizes that equal access to a free and appropriate public education is a right of every student and a cornerstone of our democracy;
3. The President Elect’s nominee for Secretary of Education Betsy DeVos has no education degree, no teaching experience, no administrative or managerial experience working in public schools, has never attended public school or State University, never enrolled her own children in public school and supports for-profit education;
4. The nominee has a long history of publically and financially supporting charter schools and school voucher programs at the expense of free and appropriate education in the public schools;
5. Ms. DeVos also has funded anti-LGBT organizations--a level of bigotry that this community board has historically and consistently opposed;
6. The Trump/Pence/DeVos vision and plan takes Title I funds away from public school districts and allows parents to “shop” with these dollars among private schools, charters and on-line schools based on the belief that the market solves all problems and toward that end she and her husband spent nearly 1.5 million dollars to persuade the Michigan Legislature to kill a bill to regulate charter schools in the state thus making 80% of the charters in Michigan operate for profit and without accountability or transparency; and

7. The Trump/Pence/DeVos plan would significantly harm the students of Community Board 2 in that at least one school, PS130, stands to lose critical Title I funds and all schools in CB2, Man. would likely lose some portion of their budget as State and local funds were re-allocated to make up for lost federal funding.

Therefore be it resolved that CB2, Man. opposes the confirmation of Betsy DeVos as Secretary of Education in that her confirmation, and the consequential implementation of programs she has supported for decades, would significantly harm the students and schools of Community Board 2 by eliminating critical funding for our schools.

VOTE: Passed; with 31 Board Members in favor, Abstention, 1 Board Member (R. Sanz)

SLA LICENSING

1. 219 Mulberry, LLC, d/b/a Ruby's, 219B Mulberry St. 10012 (Alteration – Restaurant Wine)

A. Whereas, the applicant and applicant's attorney appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for an alteration to an existing Restaurant Wine license (SN #1162545) for the purpose of expanding its existing interior storefront floor space to continue to operate an Australian inspired, fast casual style cafe; and

B. Whereas, the premises has been operated as a small café with a restaurant wine license since 2005, the storefront "B" premises within the building in question being only 500 SF with a kitchen, no stand up bar, with one bathroom, 6 tables and 24 seats; and,

C. Whereas, the storefront premises is located in a 6 story mixed use building (circa 1920) on Mulberry St. between Spring and Prince Streets, there a large garage style roll down door running along the front façade of the storefront which opens, weather permitting, the entire café out to the public sidewalk even though there is no sidewalk café and there are no exterior areas for the service to patrons; and,

D. Whereas, the hours of operation are Sunday through Saturday from 9:30 AM to 11 PM, there are no TVs, music is quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no scheduled performances or cover fees; and,

E. Whereas, this application was also heard simultaneously with a second presentation by the same applicant to open up a second, albeit separate storefront within the same building to operate a second café with the same method of operation and hours, the second café being opened to add space to alleviate overcrowding on the public sidewalk in front of the premises by patrons waiting for a table at his existing Café; and,

F. Whereas, photographs were presented showing large groups of patrons waiting on the public sidewalk for a table to enter the restaurant and a square wood bench built around a tree and over a tree pit blocking access from pedestrians navigating the existing public sidewalk in front of the premises, a sidewalk which is narrow, the entrance to the existing café also being immediately adjacent to the entrance to residential apartments over which the café storefront is located; and,

G. Whereas, there have also been complaints registered by residents living behind and above the existing storefront premises relating to an exterior HVAC systems and refrigeration compressor installed and located in the rear exterior of the premises within a courtyard which was loud, not turned off at night and caused vibrations to many surrounding apartments, as well as employees from the Café at night allowing a rear door to bang compounding quality of life issues in the rear courtyard; and,

H. Whereas, the owner of the café appeared and acknowledged complaints from neighbors about these existing problems and indicated that he was meeting with his neighbors and adjacent residents living nearby to address these complaints while working with them to alleviate the noise and disturbance, and expressed a willingness to work with them to maintain a peaceful and neighborly co-existence; and,

I. Whereas, the applicant and operator agreed to remove the bench over the tree pit and surrounding the tree immediately in front of the premises to permit more room for pedestrians to navigate the narrow sidewalk thereat; and,

J. Whereas, the applicant executed a stipulations agreement with CB2, Man. that will be submitted to the SLA and the applicant agreed those stipulations would be attached and incorporated into their method of operation as a part of its restaurant wine license stating that:

1. The premises will be advertised and operated as a full service café/restaurant.
2. The hours of operation will be from 9:30 AM to 11 PM Sunday through 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 not have any televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden, sidewalk cafe or any outdoor area for commercial purposes.
7. The premises will play quiet ambient, recorded background music only. No music will be audible in any adjacent residences at any time.
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. All doors and windows will be close by 10 PM every night.
10. There will be no all you can eat/all you drink special or boozy brunches.
11. There will be no use by employees of rear exterior areas of building/premises by employees, including service door leading to rear courtyard after 10 PM every night.
12. There will be no benches on the sidewalk or street furniture; and

K. Whereas, this application being for the service of Beer and Wine only and thus not subject to the 500 Foot Rule; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of an alteration to an existing Restaurant Wine for **219 Mulberry, LLC, d/b/a Ruby's, 219B Mulberry 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 Wine License.

Vote: Unanimous, with 32 Board members in favor.

2. 219B, LLC, d/b/a TBD, 219C Mulberry St. 10012 (Restaurant Wine—Previously Unlicensed location)

A. Whereas, the applicant and applicant’s attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for new Restaurant Wine license for the purpose of extending and opening an Australian inspired, fast casual, café in a storefront located in a 6 story mixed use building (circa 1920) on Mulberry St. between Springs and Prince Streets; and

B. Whereas, the storefront “C” premises within this building was previously occupied and used as a retail clothing store and has never in the past been occupied for eating and drinking or for the service of alcohol, the applicant proposing to gut renovate the entire space and to add a kitchen where none previously existed; and

C. Whereas, because the applicant already operates a small café within the same building not connected to these premises with a roll down door that opens his existing café (storefront “B”) out to the public sidewalk, and because the entrance to the residential building is between both storefronts on a small, narrow sidewalk, the applicant has agreed to maintain fixed windows and doors at this particular storefront premises and not to install French doors, roll down doors or windows along the front façade of this particular storefront; and

D. Whereas, the interior storefront premises will be 500 SF, there will be a kitchen with one food counter, one bathroom, 5 tables and 24 patron seats but there will be no sidewalk café, the sidewalk in front of the premises being very narrow, there being no outdoor areas for service to patrons; and,

E. Whereas, the hours of operation are Sunday through Saturday from 9:30 AM to 11 PM, there will be no TVs, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no scheduled performances or cover fees; and,

F. Whereas, CB2, Man. did receive complaints from residents living behind and above the applicant’s existing café located within the same building, those complaints relating to an exterior HVAC systems and refrigeration compressor installed and located in the rear exterior of the premises within a courtyard which was loud, not turned off at night and causing disturbing vibrations to many surrounding apartments, as well as employees from the Café at night allowing a rear door to bang compounding quality of life issues in the rear courtyard; and,

G. Whereas, the applicant and owner of the existing café in the same building appeared and acknowledged these existing complaints, indicated that he was meeting with residents of the building who registered these complaints and was working with them to alleviate their concerns of noise and disturbances in the rear courtyard, and expressed a willingness to work with them to maintain a peaceful and neighborly co-existence; and,

H. Whereas, when photos were presented by members of the public appearing in opposition to the application, showing a square wood bench built around a tree and over a tree pit blocking the public sidewalk in front of the premises, the bench structure having been erected by the applicant had built years ago, as well as additional benches placed on the public sidewalk in the past blocking the sidewalk, the applicant agreed to remove the bench structure around the tree and further agreed not to place benches or street furniture onto the narrow sidewalk in front of the café premises; and,

I. Whereas, the applicant executed a stipulations agreement with CB2, Man. that will be submitted to the SLA and the applicant agreed those stipulations would be attached and incorporated into their method of operation as a part of the café/restaurant on premise license stating that:

1. The premises will be advertised and operated as a full service café/restaurant.
2. The hours of operation will be from 9:30 AM to 11 PM Sunday through 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 not have any televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden, sidewalk cafe or any outdoor area for commercial purposes.
7. The premises will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at any time.
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. Will not install or have French style doors, operable windows or doors and will close all doors by 10 PM every night.
10. There will be no all you can eat/all you drink special or boozy brunches.
11. There will be no use of rear area of premises and service door leading to rear courtyard after 10 PM.
12. There will be no benches or street furniture placed on the sidewalk in front of the premises; and

J. Whereas, this application being for the service of Beer and Wine only and thus not subject to the 500 Foot Rule;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a Restaurant Wine license for **219B, LLC, d/b/a TBD, 219C Mulberry 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 Wine License.

Vote: Unanimous, with 32 Board members in favor.

3. Bros Seafood, LLC, d/b/a Unagi Aburi Ittetsu, 60 Kenmare St. 10012 (Restaurant Wine—Previously Unlicensed location)

A. Whereas, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a Restaurant Wine license to operate a new Japanese Restaurant specializing in grilled freshwater eel within a ground floor storefront located in a six-story mixed use building (Circa 1900) located on Kenmare Street between Mott and Elizabeth Streets in the Special Little Italy District; and,

B. Whereas, the premises was previously operated as a Dry Cleaners, the storefront premises having never previously been occupied or used for eating and drinking or licensed for the service of alcohol, there being no certificate of occupancy or letter of no objection presented, the applicant presenting plans for the gut renovation of the existing storefront premises but all exterior facades (windows and doors) will remain fixed and not operable; and,

C. **Whereas**, the storefront premises is approximately 735 Sq. ft. (375 sq. ft. ground floor and 360 sq. ft. basement), there will be a grill for cooking, kitchen, one bathroom and interior stairs to basement, there will be one bar with 3 patron seats and 4 tables with 14 patron table seats, there is no sidewalk café and no other outdoor areas for patrons; and,

C. **Whereas**, the hours of operation will be from 12 PM to 11 PM Sunday through Thursday and from 12 PM to 12 AM Fridays and Saturdays, there will be no TVs, 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 except for patron ingress and egress, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

D. **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 Restaurant Wine license and the stipulations are as follows:

1. The premises will be advertised and operated as a Japanese Restaurant specializing in grilled eel dishes.
2. The hours of operation will be from 12 PM to 11 PM Sunday through Thursday and from 12 PM to 12 AM Fridays and Saturdays. 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 televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden, sidewalk cafe or any outdoor area for commercial purposes.
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 not have French doors, operable windows or open facades and will keep all doors closed except for patron ingress and egress.
10. There will be no pitchers of beer.
11. There will be no benches placed on the public sidewalk; and

E. **Whereas**, this application being for the service of Beer and Wine only and thus not subject to the 500 Foot Rule;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the Restaurant Wine application to **Bros Seafood, LLC, d/b/a Unagi Aburi Ittetsu, 60 Kenmare 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 Restaurant Wine License.

Vote: Passed, with 27 Board members in favor, and 5 in opposition (R. Goldberg, L. Racusin, R. Rothstein, S. Russo, K. Shea).

4. JR's Pizza & Brew Corp., d/b/a TBD, 95 MacDougal St. Store B 10012 (Transfer of Restaurant Wine)

A. Whereas, the applicant and applicant's attorney appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a transfer of an existing Tavern Wine license to operate a pizzeria within a 5 story mixed use building (circa 1900) on MacDougal St. between W. 3rd and Bleecker Streets; and

B. Whereas, the premises has been operated as a pizzeria for years, with take-out services selling pizza by the slice, the premises being approximately 780 sq. ft., 6 tables and 12 seats, one counter with no seats for a total patron seating capacity of 14, there being exterior signage advertising for \$2 dollar beer and \$1 pizza slice, the premises having previously been licensed for the service of beer and wine despite **there currently being no bathroom accessible to patrons** within the storefront premises; and,

C. Whereas, the applicant seeks to operate with hours of operation from Sunday through Wednesday from 10 AM to 2 AM, Thursdays from 10 AM to 3 AM and from 10 AM to 5 AM on Fridays and Saturdays, there is one large TV, music will be quiet background only, there will be no d.j., no promoted events, no scheduled performances or cover fees; and,

D. Whereas, the applicant did have a plan to make a bathroom in the rear of the premises behind the kitchen and pizza oven accessible as a patron bathroom and also stated that he planned to remove the exterior signage but sought the license transfer before those changes have occurred; and,

E. Whereas, there being no positive or coherent reasoning that exists, presented or advanced by applicant for the service of cheap and inexpensive alcoholic beverages in a pizzeria after 2 AM in an area already greatly saturated with late night establishments on MacDougal Street, there being 72 on premise licenses within 750 ft. of the subject premises, an additional 10 pending licenses within 750 ft. of the subject premise and an unknown number of beer and wine licenses within the same area; and,

F. Whereas, there being other similar fast casual eateries on MacDougal Street and in the same area which have agreed to stop the service of alcoholic beverages after 2 AM despite such businesses being open and serving food after 2 AM; and

G. Whereas, despite the above-referenced concerns being raised, the applicant refused and would not agree to cease serving alcoholic beverages after 2 AM at these premises; and,

H. Whereas in October 2013, the current Licensee from which this License is sought to be transferred, Slice & Co Brick Oven Pizza Inc., was asked to appear before CB2 Manhattan regarding renewal of the existing license and a number of issues were raised including loud music, open windows until 4 and 5AM, open plastic cups being removed from the premises, lack of staff supervision of the premises, lack of a patron bathroom as required by the Liquor Authority and the Licensee was asked to consider stopping beer service at 2AM; CB2 has previously asked the Liquor Authority to investigate how the premises at 95 MacDougal was licensed and whether there were misrepresentations if there is no current patron bathroom and asked to conduct enforcement; the Licensee Slice & Co Brick Oven Pizza Inc. also operates Slice & Co Fine Gourmet Brick Oven Pizza Inc. which opened in late 2013 also in CB2 and at that location, in consideration of the issuance of that license, the operator agreed to stop service of beer and wine at 2AM with no limit on the hours of operation for food in consideration of the ongoing issues with the service of beer after 2AM and the impact on quality of life and the complaints generated by their establishment at 95 MacDougal St.; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial for **JR's Pizza & Brew Corp., d/b/a TBD, 95 MacDougal St. Store B 10012** on its application seeking a transfer of an existing tavern wine 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;

Vote: Unanimous, with 32 Board members in favor.

5. Hello Saigon, Inc., d/b/a N/A, 180 Bleecker St. 10012 (Restaurant Wine—Previously Unlicensed location)

A. Whereas, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a Restaurant Wine license to operate a new Vietnamese Restaurant within a ground floor storefront located in a 4-story mixed-use building (Circa 1900) located on Bleecker Street between Sullivan and MacDougal Streets; and,

B. Whereas, the premises was previously operated as a clothing retail store, the storefront premises having never previously been occupied or used for eating and drinking or licensed for the service of alcohol, there being no certificate of occupancy or letter of no objection presented, the applicant presenting plans for the gut renovation of the existing storefront premises, including the installation of a full service kitchen but all exterior facades (windows and doors) will remain fixed and not operable; and,

C. Whereas, the storefront premises is approximately 1650 Sq. ft. (ground floor and basement), a full service kitchen, two bathrooms, two TVs and an interior stairs to basement, 11 tables with 44 patron table seats but there will be no stand up bar, no sidewalk café and no outdoor areas for service to patrons; and,

C. Whereas, the hours of operation will be from 11 AM to 10:30 PM Monday through Thursday and from 11 AM to 12 AM Friday through Sunday, 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 except for patron ingress and egress, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees; and,

D. 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 Restaurant Wine license and the stipulations are as follows:

1. The premises will be advertised and operated as a Vietnamese Restaurant with a full service kitchen.
2. The hours of operation will be from 12 PM to 11 PM Sunday through Thursday and from 12 PM to 12 AM Fridays and Saturdays. 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 two televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden, sidewalk café or any outdoor area for commercial purposes.
7. The premises will install a sound limiter and 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 not have French doors, operable windows or open facades and will keep all doors closed except for patron ingress and egress.
10. There will be no pitchers of beer.
11. There will be no all you eat/drink specials.

E. **Whereas**, this application being for the service of Beer and Wine only and thus not subject to the 500 Foot Rule;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the Restaurant Wine application to **Hello Saigon, Inc., d/b/a N/A, 180 Bleecker 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 Restaurant Wine License.

Vote: Unanimous, with 32 Board members in favor.

6. 330 WB Operations, LLC, d/b/a TBD, 330 West Broadway 10013 (New Restaurant OP)

A. **Whereas**, the applicant and the applicant's attorney appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application for a new on premise liquor license to operate a full service Italian Restaurant specializing in pasta dishes, serving brunch, lunch, and Dinner in a commercial 1 story building with 3 separate retail units, the premises being the most southern on West Broadway between Grand and Canal Streets; and

B. **Whereas**, the premises was previously operated as the Italian Restaurant "Salume" closing by 11 PM every night and before that a sandwich shop, there being a certificate of occupancy presented for eating and drinking for the subject premises; and,

C. **Whereas**, there will be no changes to the exterior façade of the storefront premises, the exterior façade will continue to have fixed windows which do not open, there will be no sidewalk café or licensed outdoor area for patron service; and

D. **Whereas**, the approximately 1,500 SF interior premises has two patron bathrooms, 1 large dining counter located around the kitchen with 14 seats, 1 bar with 5 patron seats and 9 tables with 28 seats for a total interior patron seating capacity of 47; and,

E. **Whereas**, the hours of operation will be Sunday through Saturday from 10 AM to 11:30 PM, 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 no TVs, no promoted events, no scheduled performances or cover fees; and,

F. **Whereas**, CB2, Man. received opposition to this application, that opposition being mostly opposed to the significant numbers of liquor licenses within the surrounding area and community but without significant complaint regarding the prior operations at these premises; and

G. Whereas, based on the applicant’s proposed method of operation and hours of operation consistent with a full service restaurant specializing in “excellent pasta dishes” seeking to serve the local neighborhood while also not establishing a significant impact on the existing neighborhood by maintaining a fixed front façade containing noise therein, the public interest will be served despite there being 35 existing on premise licenses within a 750 foot radius of the premises and there being an additional 4 pending on premise licenses within that same radius of the premises; and

H. Whereas, the applicant executed a stipulations agreement with CB2, Man. that will be submitted to the SLA and the applicant agreed those stipulations would be attached and incorporated into the method of operation as a part of the restaurant on premise license stating that:

1. The premises will be advertised and operated as a full service Italian Restaurant specializing in pasta dishes.
2. The hours of operation will be Sunday through Saturday from 10 AM to 11:30 PM.
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.
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. There will not be any French doors or windows installed to the front façade and all existing doors and windows will close by 10 PM every night except for patron egress.
10. There will be no all you can eat/all you drink special or boozy brunches.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new Restaurant On Premises Liquor License for **330 WB Operations, LLC, d/b/a TBD, 330 West Broadway 10013** unless the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant above are incorporated into the “Method of Operation” on the SLA On Premise License, and

Vote: Unanimous, with 32 Board members in favor.

7. Corp. being formed by Scott Perez, d/b/a Toad Hall, 57 Grand St. (OP Removal – Tavern until 4 AM—previously unlicensed location)

A. Whereas, the applicant appeared before CB2’s SLA committee for the purpose of relocating his existing Tavern across the street from its current location (62 to 57 Grand Street) to operate a Bar and Tavern at a previously unlicensed storefront location within a seven-story mixed use building (circa 1920), zoned M1-5A on Grand Street between West Broadway and Wooster Streets; and

B. Whereas, there has never been an on premise license at 57 Grand Street at any point in the past, the storefront premises therein having been previously used and occupied as a furniture store and prior to that for two decades as a dress shop, the premises having never previously been used or occupied for eating and drinking; and

C. Whereas, the building currently has numerous violations issued against it by the NYC Dept. of Buildings, there being a stop work order issued for the premises which the applicant was aware of and stated would have to be cleared up in the future; and

D. Whereas, the proposed storefront premises will require a gut renovation with the installation of new mechanical systems, albeit the proposed Tavern will not have a full service kitchen, the interior storefront being approximately 3,400 sq. ft. (1,900 sq. ft. first floor and 1,500 sq. ft. basement) with one entrance and two bathrooms; and

E. Whereas, the proposed hours of operation will be 12 PM to 4 AM seven days a week, with 1 stand up bar with 18 patron seats, 20 tables and 64 patron seats for a total patron seating occupancy of 82, there will be three TVs, music will be background only, all doors and windows will be fixed and closed at all times except for patron egress through the front door, there will be no d.j.s, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers and there will be security personnel every night; and

F. Whereas, when questioned about the applicant's existing location and the reasons he sought to move across the street to a new location, he explained that he has been operating his existing bar and tavern at the same location since 1992 but that he entered into a new lease with the landlord four years ago that increased his monthly rent and he was now trying to find a new location within the same neighborhood, much larger but for less money, further explaining that he also faced additional costs to repair water leaks and repair his kitchen even though he had not used his existing kitchen for years and had no plans to install one in the new location; and

G. Whereas, CB2 Man. received numerous correspondence from residents living in the immediate area and from the SoHo Alliance in opposition to the licensing of this previously unlicensed storefront location, and still other residents from the immediate neighborhood appeared in opposition to the application on two separate occasions in December/2016 and again in January/2017, concerned that because the location where applicant currently operates his bar and tavern has been continuously licensed prior to the advent of the 500 foot rule, it would not be subject to the rule causing the neighborhood to endure two 4 AM tavern or bar licenses located immediately across the street from each other midblock in a primarily residential block, raising significant concerns about an increase in late night noise and traffic between midnight and 4AM in a neighborhood which already endures such late night activities and noise from revelers entering and leaving the applicant's existing Tavern; and

H. Whereas, this application being subject to the 500 ft. rule requiring the applicant to demonstrate a recognizable public interest for adding yet another on premise liquor license in an area that is already greatly saturated with licensed establishments contributing to late night noise and late night revelers when local residents are asleep between the hours of 12 AM and 4 AM, it creating additional traffic in the area, more early morning trash pick-ups and more delivery trucks rolling out kegs of beer, the storefront premises in question having never previously been licensed for the service of alcohol, never used and occupied for eating and drinking, the prior occupancy and use being a retail clothing store closing by 7 PM every evening, it not being in the public interest to add another, second late night Tavern in the same neighborhood when the applicant could remain at the storefront premises where he currently has a leasehold, or find a more suitable location elsewhere in NYC, there being many available and more appropriate locations for a 4AM Tavern than the one selected at 57 Grand Street, the applicant not demonstrating any efforts at all to find and locate to another, new location more suitable for a 4AM Tavern, there being nothing unique about this proposed tavern or bar that does not already exist, there being many existing bars in taverns in the immediate area and within lower Manhattan like this one, it not being in the public interest to add yet another late night bar in an area already saturated with late night eating and drinking establishments, there being 18 existing on premise licenses within 500 ft. of the subject premises and 33 existing on premise licenses within 750 ft. of the subject premises, an additional 5 on premise licenses pending with the NYS Liquor Authority in this same area without even including the vast numbers of eating and drinking establishments in the area holding beer and wine licenses; and

I. Whereas, the licensee did present a petition in support of the current application but no one appeared in support of the license, the petition not being signed by any people living on Grand Street in the immediate impact area where the new licensed is proposed to be located; and

J. Whereas, a petition was presented by people living on Grand Street immediately above and adjacent to the proposed premises sought to be licensed and within the immediate impact area where the new license is being proposed, neighbors appeared in opposition to the new license and CB2 Man. received numerous correspondence in opposition, citing prior complaints, noise and late night disturbances from applicant's existing Tavern located across the street; and

K. Whereas, the SoHo Alliance also forwarded and presented a stipulation and agreement dated April 7, 1997 and executed by Thomas McKeon on behalf of the New York State Liquor Authority, wherein in 1997 the NYS SLA acknowledged that the immediate area in SoHo where this particular application is being made is over-saturated with liquor licenses and further agreed to restrict all future licenses within this particular area (ie within 500 ft. of 72 Grand Street) which seek closing hours beyond 12:30 AM Monday through Thursdays and beyond 1:30 AM Fridays and Saturdays, this particular application being subject to that prior restriction agreed to and binding on the NYS Liquor Authority; and

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial for **Corp. being formed by Scott Perez, d/b/a Toad Hall, 57 Grand St.** on its application seeking a new OP license.

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; and,

THEREFORE BE IT FURTHER RESOLVED that if this application is considered by the SLA, despite CB2, Manhattan's recommendation to deny this application, CB2, Man. requests that the SLA conduct a 500 foot hearing because the premises thereat has never been licensed for the service of alcohol at any point in the past.

Vote: Unanimous, with 32 Board members in favor.

8. Romagna Corp. d/b/a Romagna Ready 2 Go, 182 Bleecker St. 10012 (Class Change – New On Premise License).

A. Whereas, the applicant appeared before CB2's SLA Licensing committee to present an application for a new On Premise license to operate a Italian restaurant and Pizzeria with a full service kitchen on Bleecker Street between Sullivan and McDougal Streets in a mixed use building (Circa 1900) within a Historic District; and

B. Whereas, this location was not previously licensed for the service of alcohol before 2014, has only been operated since 2014 with a Restaurant Wine license and prior to that as a yogurt store; and

C. Whereas, the applicant has been operating the existing restaurant at the premises for approximately one year and when he appeared in May/2015 to present a restaurant wine license stated he had no intention of applying for an on premise license at the premises and due to concerns with the significant number of existing licensed premises in the immediate area further agreed with CB2, Man. to never seek a full OP license at this particular location; and

D. Whereas, the interior premises is 1,435 SF, with only 785 SF on the first floor and 650 SF in the basement but the basement will not be used for eating and drinking, the applicant produced an interior seating diagram showing 13 tables with 31 seats, one bar with 6 seats for a total number of interior patron seats at 37, there is only one bathroom, music is background only; and

E. Whereas, the storefront premises has a letter of no objection (LNO) from the Department of Buildings dated October 31, 2013 for an eating and drinking establishment, use group 6 for an occupancy of no more than 74 but the LNO is limited to the interior premises and does not extend to the exterior rear yard where the applicant proposes to operate with its BW license; and

F. Whereas, when the applicant appeared before CB2 Man. in May/2015 he also sought to operate and serve beer/wine in the backyard garden and produced a diagram showing 14 tables and 28 seats in the exterior space but as previously stated herein, did not present any permit, letter of no objection and certificate of occupancy that permitted eating and drinking in the exterior rear yard; and

G. Whereas, the above-referenced rear yard area is surrounded by residential buildings and adjacent communal rear yards belonging to private residences making up the MacDougal-Sullivan Gardens Historic District, where the use and occupancy of this rear yard for eating and drinking or the service of alcohol will result in a significant impact and infringement on neighbors due to an increase in noise levels during daytime, evening and nighttime hours where no such infringement previously existed; and

H. Whereas, the prior application in May/2015 being for the service of Beer and Wine only and thus not subject to the 500 Foot Rule, applicant entered into a stipulations agreement that was to be incorporated in to the existing Restaurant's method of operation on their BW license and the stipulations from May/2015 were as follows:

1. The premises will be advertised and operated as a full service Italian restaurant.
2. The hours of operation for the interior restaurant will be 10 AM to Midnight seven days per week.
3. There will be no operation of the exterior rear garden for eating and drinking or for the service of beer or wine without first obtaining the proper permits, LNO or certificate of occupancy from the NYC Dept. of Building which specifically mentions and allows use and occupancy for eating and drinking in the rear yard.
4. The backyard garden will close at 10 PM, will cease all business operations, lights will be turns off and no patrons/staff will be permitted to remain every night, seven days per week and there will be no music, no bars and no parties in the rear yard.
5. There will be no sidewalk café.
6. 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.
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; and

I. Whereas, despite the applicant specifically agreeing in May/2015 not to operate the exterior rear garden for eating and drinking or to serve beer and wine in the rear yard without first obtaining the proper permits, the applicant and licensee has been operating in the rear yard area without any permits from the NYC Dept. of Buildings to do so; and

J. Whereas, in addition to operating in the rear yard without the proper permits to do so, the applicant and licensee has also built a glass and poly-carbon enclosure in the rear yard which has been built out with a 4 speaker system, 2 air conditioners, 2 flat screen TVs, an oil liquid fire heater and pellet wood stove located in the middle of the enclosure, a violation being issued by the NYC Fire Department on December 22, 2016, for improper ventilation with the wood burning stove, there being no permits presented from the NYC Dept. of Buildings for the erection of the exterior rear yard enclosure; and

K. Whereas, the applicant and licensee further acknowledged that live bands have performed in the rear yard for parties, there being “Yelp” reviews found in August/2016 indicating jazz bands with drums; and

L. Whereas, the applicant presented a petition in support of his application but the petition did not include any signatures from those residents living on MacDougal Street directly exposed to the rear yard in question, there being no outreach by the applicant directly with those residences directly impacted by the applicant’s use and occupancy of the rear yard, the petition also providing discounts to those who signed it; and

M. Whereas, the applicant and licensee met with the Bleecker Street Merchants and Residents Association (“BAMRA”), BAMRA requesting at that time that the licensee perform outreach and speak to residents living on the immediate block of MacDougal Street where the rear yard extended to, there being no members of BAMRA represented or living on this particular block, but despite this request the applicant did not meet with resident’s within that block; and

N. Whereas, the hours of operation for the Restaurant will continue to be from 10 AM to Midnight seven days per week and there will continue to be no sidewalk café, music will be background only, 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

O. Whereas, this application being subject to the 500 ft. rule requiring the applicant to demonstrate a recognizable public interest for adding yet another on premise liquor license in an area that is already greatly saturated with licensed establishments, there being no certificate of occupancy or letter of no objection presented permitting the use and occupancy as an eating and drinking establishment in the rear yard enclosure, there being no permits in place for the rear yard enclosure, heating stoves or air conditioners, the applicant not following numerous aspects of his previously agreed upon stipulations agreement with CB2 Man. incorporated into his current Restaurant Wine license, the existing business not being unique to the area, the applicant thus failing to demonstrate a recognizable public interest, there being many existing eating and drinking establishments in the immediate area and within lower Manhattan like this one, an area already greatly saturated with late night eating and drinking establishments, there being 38 existing on premise licenses within 500 ft. of the subject premises and 78 existing on premise licenses within 750 ft. of the subject premises, an additional 10 on premise licenses pending with the NYS Liquor Authority in this same area without even including the vast numbers of eating and drinking establishments in the area holding beer and wine licenses; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** for **Romagna Corp. d/b/a Romagna Ready 2 Go, 182 Bleecker St. 10012** on its application seeking a new 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; and,

THEREFORE BE IT FURTHER RESOLVED that if this application is considered by the SLA, despite CB2, Manhattan’s recommendation to deny this application, CB2, Man. requests that the SLA conduct a 500 foot hearing because the premises and rear yard extension thereat has never been licensed for the service of alcohol at any point in the past.

Vote: Unanimous, with 32 Board members in favor.

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

9. Pokespot Cleveland Pl., LLC d/b/a The Pokespot, 25 Cleveland Place 10012 (RW-lay over requested to February/2017)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on January 10, 2017, the Applicant and/or its Attorney requested **to lay over** its application and presentation before CB2 Man. until February/2017;

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 **Pokespot Cleveland Pl., LLC d/b/a The Pokespot, 25 Cleveland Place 10012** **until** the Applicant has properly 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 32 Board members in favor.

10. ClimbOn, LLC, d/b/a Harri’s Bistro, 202 Centre St. 10013 (OP- Lay over requested)

Whereas, at this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on January 10, 2017, the Applicant requested to lay over this application for an on premise license to February/2017;

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 **ClimbOn, LLC, d/b/a Harri’s Bistro, 202 Centre 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 32 Board members in favor.

11. 3 Howard, LLC, d/b/a N/A, 3 Howard St. 10013 (OP- Lay over requested)

Whereas, at this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on January 10, 2017, the Applicant requested to lay over this application for an on premise license to February/2017;

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 **3 Howard, LLC, d/b/a N/A, 3 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 32 Board members in favor.

12. 55 Greenwich Café, Inc. d/b/a Bluestone Lane, 55 Greenwich Ave. 10014 (RW – Corporate Change SN#1278134)

i. Whereas, the attorney for the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present a corporate change application to the Liquor Authority for an existing Restaurant Wine License SN#1278134 for a full service restaurant/café specializing in coffee (Australian style) with existing sidewalk café; the corporate change will result in Bluestone Lane Holdings, LLC with 100% interest in 55 Greenwich Café, Inc., and Nicholas Stone as the CEO/Managing Member; and,

ii. Whereas, the current license is for an existing Restaurant Wine License SN#1278134; the premises is in a mixed-use commercial/residential building in a mixed-use residential district located on the ground floor on the Southeast corner of Greenwich Ave and Perry St. for a roughly 1,032 sq. ft. premise (ground floor only) with a diagram indicating 14 tables and 48 seats, one window counter with 8 seats and one bar with 7 seats for a total of 63 interior seats; the premises also includes a licensed New York City Department of Consumer Affairs sidewalk café which has 9 tables and 24 Chairs; (there is another outdoor side/backyard area with access from the interior premises but there is no current permit or certificate that permits use of that outdoor side/backyard area for eating and drinking and the applicant has agreed not to use the exterior side/backyard for any purpose until the proper permits and certificates are granted and until he has properly notified and presented to CB2, Man. and the SLA a future alteration application to use this side/backyard outdoor area – CB2 has made no representations that it will make any affirmative recommendations as this is an interior courtyard style space surrounded by residential units); there is an existing certificate of occupancy; and,

iii. Whereas, the hours of operation of the interior of the premises will be no earlier or later than 8 am to 12 am (midnight) 7 days a week, the sidewalk café will close at 10 pm each night and all tables and chairs will be removed at that time, there are no other outdoor areas included in this application, all doors and windows will be closed by 9 pm daily on the Perry St. side of the premises and at 10 pm on the Greenwich Ave. side of the premises, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

iv. Whereas, the applicant executed an updated stipulations agreement with CB2, Man. that they agreed would be attached and incorporated into the method of operation on the existing restaurant wine SLA license reflecting the corporate change stating that:

1. Premise will be advertised and operated as a full service restaurant/café with specialty coffee (Australian Style).

2. The hours of operation will no earlier or later than 8AM to 12AM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times. The premise currently closes earlier than their stipulated hours.
3. The premises will operate as a full service restaurant/café with specialty coffee (Australian Style), a full food menu will be available at all times and the kitchen will remain open at all hours of operation.
4. The premises, or any portion of the premises will not operate as a “lounge”, tavern or sports bar.
5. The premise will not have televisions.
6. The premises will not permit dancing and will never seek a NYC DCA Cabaret License.
7. The premises will operate their sidewalk café no later than 10 PM 7 days a week (no patrons will remain in sidewalk café after sidewalk café closing hour). The Sidewalk café will not open on Sundays until 12PM. The current application includes a sidewalk café with 9 tables and 24 Seats as the only outdoor seating.
8. The premises will play quiet ambient-recorded background music only. All music levels and volumes will at all times comply with all New York City Laws and Regulations and will not be audible in adjacent residences at anytime.
9. The premises will not have DJ’s, live music, cover charges or promoted events.
10. All doors and windows on the Perry St. side of the premises will be closed at 9 pm every night; The Perry St. Door will be for emergency egress only; All doors and windows on the Greenwich Ave side of the premises will be closed at 10 pm every night; doors will not be propped open after those hours.
11. Rear terrace outdoor area is not included in this application and is not for patron use. There is no backyard garden, side yard or rear terrace included in this application.
12. The Sidewalk Café will always be set up to plans on file with the New York City Department of Consumer Affairs and specifically will not obstruct the Perry St. side sidewalk walkway.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the corporate change application for the existing restaurant wine license, SN#1278134 for **55 Greenwich Café, Inc. d/b/a Bluestone Lane, 55 Greenwich Ave. 10014** unless the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant Wine license.

Vote: Unanimous, with 32 Board members in favor.

13. Whitney Museum of American Art, Whit Food II, LLC & Hudson Yards, Catering, LLC, d/b/a Untitled; Studio Café, 99 Gansevoort St. 10014 (OP – Restaurant & Catering Facility)(*change hours of operations & add an exterior point of sale*)

i. Whereas, representatives of the Licensee appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an alteration application to the Liquor Authority to amend the existing stipulations and to add a new standup bar to the currently licensed exterior area adjacent to ground floor restaurant currently operating as “Untitled”, the existing license SN#1283649 is for the premises encompassed by the building housing the Whitney Museum of American Art located at 99 Gansevoort Street, which incorporates within the premises the Whitney Museum of American Art and includes a restaurant, a café and multiple spaces for private events that will be catered; the co-applicant Whitney Museum of American Art owns the premises and has entered into a management agreement with co-applicant Whit Food II, LLC, part of Union Square Hospitality Group, pursuant to which Whit Food II, LLC manages the food and beverage operations at the building, including a ground floor restaurant and

adjacent ground floor outdoor dining area and eighth floor café; Hudson Yards Catering, LLC d/b/a Union Square Events, also part of Union Square Hospitality Group, will provide catering services throughout the rest of the museum; and,

ii. Whereas, the application was originally presented in December 2014 at which time the Whitney Museum of American Art had presented extensively to various Committees of CB2, Man. and any interested local organizations and community groups over the several years leading up to the original application to inform and educate everyone who might be interested on their plans and aspirations for their new location at 99 Gansevoort St., at each meeting, step and during each tour provided to interested members of CB2, Man., the eating and drinking establishments were pointed out and the various special unique areas within the Museum were explained; and,

iii. Whereas, since the original application and after having completed construction of the Museum and operating the premises, the Licensee is returning to CB2, Man. to make several changes including changes to their existing stipulations agreement; the changes include **(1)** to add an additional outdoor point of sale/stand up bar with no seats in the outdoor seating area adjacent to the ground floor restaurant “Untitled” in order to more quickly serve their outdoor dining patrons and to provide coffee service in the mornings and afternoons as well as non-alcoholic beverages, stanchions will be placed around the outdoor seating area and entry will be from a fixed point which will be managed by a staff member and patrons will be seated at specific tables., a waitlist will be maintained as necessary and if needed will be managed with electronic notifications and at no time will there be more patrons in the adjacent exterior space to the ground floor restaurant than there are patron seats in the ground floor area – there will be no standing patrons drinking any beverages without an available seat, **(2)** to extend the hours of operation of the outdoor terraces on Fridays and Saturdays only to 9:30PM, **(3)** to modify the requirements regarding measuring outside noise to going forward only be required if requested by CB2, Man. as a result of complaints, and **(4)** to remove requirements regarding DOT issues which have already been met; and

iv. Whereas, members of the community appeared and stated that the Museum had been running an excellent operation and there had been no complaints, there was no opposition to changes in the operation of the terraces and sound and traffic portions of the stipulations provided the provision for compliance for sound monitoring was re-implemented if there were future issues; there were some reservations expressed regarding adding a point of sale in the exterior dining area adjacent to “Untitled” on the ground floor, which is located between the museum and the highline, the concern was that because this bar would in fact be a “standup” bar at which patrons could order a drink directly at the bar and pay for the drink at that time that the seating area could become an outdoor open air standup dining area scene, next door under the Highline there is already a licensed premises with an outdoor dining area and outdoor bar, there were also concerns regarding lines of people queuing to enter the outdoor dining area in front of the establishment, there was some skepticism that the outdoor bar would improve food service to clientele because of the distance to the kitchen and interior bar from the outdoor area which is some distance away with the current layout; the concerns were alleviated to some extent given the quality of the operator of the restaurant who is well known to community members and has shown to be a good neighbor, the high caliber operation run by the Museum and the Licensees immediate agreement that despite the operation of a standup bar where patrons would order drinks themselves, they would never allow more patrons in the outdoor area than there were available seats, meaning that ultimately, if they operated with their full complement of allowed outdoor seats in the actual area which is 52, there would never be more than 52 patrons in the area, because at this time there is only seating available for roughly 32 patrons, there would never be more than 32 patrons in the outdoor area etc.; and,

v. Whereas, the original CB2, Man. resolution dated December/2014 outlines the operation in detail; and,

vi. Whereas, the Applicant executed an updated stipulations agreement with CB2, Man. that they agreed to submit to the SLA along with their alteration application and agreed would be attached and incorporated into the method of operation on the existing on-premise liquor license SN#1283649 stating that (changes to previous stipulations are struck through and changes underlined):

Restaurant and Café Hours of Operation:

Ground Floor Restaurant

Interior Space - 88 seats, 10 bar seats:

Posted Operating Hours will include soft closing hours – no reservations will be accepted after posted soft closing hours and no patrons without reservations will be seated after posted soft closing hours - Sunday to Thursday at 10pm and Friday to Saturday at 11pm.

Hard Operating Hours – No Patrons shall remain after closing hour or be seated prior to opening hour: Sunday ~~from 10am to 12am~~, Monday to Thursday from 9am to 12am, and Friday and Saturday from 9am to 1am.

Exterior space - 52 outdoor seats

Soft and Hard Operating Hours: will open at same time and close one hour earlier than the interior restaurant. Tables and chairs shall be removed at those closing times. An exterior “standup bar” will be added in the adjacent exterior space to the ground floor restaurant as indicated in floor plans provided to CB2. There will be no seats at the exterior “standup” bar, which will also be used for coffee service, alcoholic and non-alcoholic beverages. Stanchions will be placed around the adjacent exterior space for the restaurant on the ground floor and entry will be from a fixed point which will managed by a staff member and patrons will be seated at specific tables. A waitlist will be maintained as necessary and if needed will be managed with electronic notifications. At no time will there be more patrons in the adjacent exterior space to the ground floor restaurant than there are patron seats in the ground floor area – there will be no standing patrons drinking any beverages without an available seat.

8th Floor Café and Adjoining Exterior Terrace

66 indoor seats, 10 bar seats, 52 outdoor seats

1. Both indoor areas and exterior terrace will be operated with hard operating hours of ~~Saturday~~ Sunday to Thursday from 10:30 am to 6:00 pm and Friday and Saturday from 10:30 am to 9:00 pm 9:30 pm. The indoor and outdoor areas will be closed Tuesday. At the closing time of 6pm daily with the exception of Friday and Saturday at ~~9pm~~ 9:30pm, no patrons or guests shall remain in those areas.
2. In interior of the Ground Floor Restaurant and the 8th Floor Café, there will be quiet background music only; there will be no DJ, no live music, no dancing and no scheduled performances. There will be no music or amplified sound in the exterior spaces of the Ground Floor Restaurant and the 8th Floor Café at any time. Any sound or music from the interior of the Ground Floor Restaurant or 8th Floor Café will not be heard in the adjoining exterior space.
3. Any Windows, Doors or French Doors adjoining the cafe, bar, or dining areas will be closed no later than 10pm (remain in a fixed closed position except for ingress and egress).
4. For all parties or events held on any of the museum's exterior spaces, no music or amplified sound will be permitted. However, there may be up to 6 special events per calendar year identified well in advance with exterior music or amplified sound that may be held only on the 5th floor terrace. The volume at which any music or amplified sound is utilized for those 6 events must conform to the limits described in #5 below and all such parties and events will

- end by 11:00pm with all patrons and guests having left the 5th floor terrace at 11:00pm. Those 6 exceptions for music or amplified sound on the 5th floor terrace must be identified well in advance and made known to any local residents who request to be notified at least 2 weeks in advance (email notice is acceptable) and to the 6th Precinct and CB2.
5. For all exterior art or programmatic activity, the Whitney ~~will monitor and gather accurate db readings at frequencies down to 25 hz, and will ensure that at no time will sound levels exceed 10db (7db after 10pm) over the ambient noise level when measured using both A-weighted and C-Weighted decibel scales. [From January/2017 forward, should there be complaints and after meeting with and at the request of CB2 regarding those complaints, the Whitney would resume at CB2's request for all exterior art or programmatic activity to monitor and gather accurate db readings at frequencies down to 25hz will ensure that at no time will sound levels exceed 10db (7db after 10pm) over the ambient noise level when measured using both A-weighted and C-Weighted decibel scales.~~ These measurements will be taken 15 feet away from, and at the same height as, the railings, which mark the boundaries of the space where the music is being played.] Sub-woofers will not be installed. All individuals, artists or companies responsible for any aspect of music or amplified sound or any sound affiliated with exterior art or programmatic activity in exterior areas will be made aware of these requirements and a specific individual shall be identified for ensuring compliance during all times of operation. That individual may be an employee of the Whitney. The Whitney and the Community will revisit these sound limits ~~after the Museum has been operating for 6 months or~~ as necessary should residents or the museum be experiencing any sound related issues. All exterior art or programmatic activity involving music or amplified sound or other sound will finish by 11:00pm with 6 exceptions allowed per year.
 6. ~~The Whitney Museum of American Art (The Whitney) will request that the New York City Department of Transportation (DOT) change the parking regulations on the north side of Gansevoort Street between Washington St. and 10th Avenue to "No Standing Anytime." The Whitney will also request that DOT allow two-way traffic on 10th Ave. between Horatio and 14th Streets and discourage northbound traffic on 10th Ave from turning east on Little West 12th Street. The Whitney will also request that DOT install signage at Gansevoort and 10th Ave. encouraging motorists to use West Street for travel both North and South. If there are no objections from the owner of 95 Horatio St., the Whitney will also request that DOT change the parking regulations on the south side of Gansevoort to "No Standing after 8pm." The Whitney will also request the creation of a Taxi Stand in the immediate area, to relieve congestion on Washington Street. The Whitney agrees to revisit any DOT related issues as necessary to mitigate traffic impacts.~~
 7. The Whitney will station one or more properly attired and well-identified traffic management agents outside the Museum during any events that are expected to draw unusually high numbers of vehicles, especially taxis and for hire vehicles, to help insure that Gansevoort Street and 10th Avenue adjoining the Museum do not at any time become blocked or obstructed by double-parked or standing vehicles.
 8. All parties and special events in any of the interior areas of the Museum will end by midnight with all patrons and guests having left at that time. There may be up to 6 exceptions per year for special events lasting until 2am in the interior areas of the museum only. Those 6 exceptions must be identified well in advance and made known to any local residents who request to be notified at least 2 weeks in advance (email notice is acceptable) and to the 6th Precinct and CB2. At 2 am for the 6 exceptions, all patrons and guest shall have exited the premises.

9. No outside caterers or outside groups will serve alcohol within the premises except those that appear on the license. Should there be any changes to the operators of the Ground Floor Restaurant, 8th Floor Café or event caterer for any portion of the premises, The Whitney will return to CB2, Man. to present the alteration with the new operators who will agree to the existing stipulations and any modifications as necessary to reflect any ongoing documented issues.
10. All information and details as presented to CB2, Man. in December of 2014 and January of 2017 except as modified in this agreement are presented in good faith and are accurate and complete. Should there be any changes, The Whitney will return to CB2 as soon as practical to present those changes.

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of an alteration application as described above for the existing On Premise Liquor License SN#1283649 for the **Whitney Museum of American Art, Whit Food II LLC, Hudson Yards Catering LLC, d/b/a Whitney Museum; Restaurant: Untitled; Café: Studio Café; 99 Gansevoort St. 10014** as described above 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 existing “Method of Operation” on the SLA On Premise Liquor License.

Vote: Passed, with 30 Board members in favor, and 2 in opposition (R. Goldberg, S. Russo).

14. Casita West Village, LLC, d/b/a Casita, 681 Washington St. 10014 (OP – Restaurant)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee for a 2nd time after having been recommend for denial the 1st time in 12/2016 when they previously appeared proposing hours of operation until 4AM and subsequently withdrawing that presentation and is now presenting an amended presentation for a new application to the Liquor Authority for a new on-premise liquor license for a full service neighborhood and family friendly restaurant serving breakfast, lunch and dinner with a gourmet market incorporated into the restaurant; the primary focus of the premises is to serve the immediate neighborhood as the principals of this establishment already own and operate a late night restaurant/destination location within the same building and a gourmet deli within the same building; the applicant presented and agreed to a number of stipulations outlined below; and,

ii. Whereas, this application is for a new restaurant on-premise liquor license located in a mixed use building located on the ground floor on Washington St. between Charles St. and West 10th St. for a roughly 1,325 sq. ft. premise with 13 tables and 59 seats and 1 bar with 7 seats, there may be a sidewalk café in the future if it is approved by the NYC DCA, however if there is a sidewalk café it will incorporate no more than 4 tables and 8 seats, there are no other outdoor areas for patrons, and no benches on the sidewalk, there is an existing Certificate of Occupancy; there are openings within the premises into another licensed premises, specifically a delicatessen owned and operated by the same principles which has a Grocery Beer License, SN# 11258009; and,

iii. Whereas, the hours of operation will be from 7AM to 12AM Sunday to Thursday and 7AM to 1AM Friday and Saturday, all patrons will be cleared and no patrons will remain after stated closing times, 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 by 10pm and anytime there is amplified music except for patron ingress and egress, the applicant is aware that the proposed French door style façade has the potential to create a quality of life impact but was emphatic that this

would not be the case, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no outdoor speakers, there will be no TV's, any installed speakers will point into the establishment so as no music escapes the premises; and,

iv. Whereas, the principles own the commercial condo unit on the ground floor within which the premises is located; that commercial condo unit occupies the entire ground floor of the residential building in which the premises is located; the commercial condo unit is split into 4 distinct business which are all owned by the principals for this application and include a late night/destination restaurant named Casa La Femme which is licensed with a full on-premise liquor license, SN#1200529, a deli grocery named Charles Gourmet Produce which is licensed with a grocery beer and wine products license, SN#1258009 and a Dry cleaner and Laundry business name Couture Cleaners; and,

v. Whereas, the Applicant agreed to execute 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. Premise will be advertised and operated as a full service restaurant serving breakfast, lunch and dinner and gourmet market.
2. The hours of operation will be from 7AM to 12AM Sunday to Thursday and 7AM to 1AM Friday and Saturday. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will operate as a full service restaurant with Spanish and Mediterranean food with a gourmet market, a full food menu will be available at all times and the kitchen will remain open at all hours of operation.
4. The premises, or any portion of the premises will not operate as a "lounge", tavern or sports bar.
5. The premise will not have televisions.
6. The premises will not permit dancing and will never seek a NYC DCA Cabaret License.
7. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including licensed sidewalk café).
8. The premises will operate their sidewalk café no later than 10 PM 7 days a week (no patrons will remain in sidewalk café after sidewalk café closing hour).
9. The premises will play quiet ambient-recorded background music only. All music levels and volumes will at all times comply with all New York City Laws and Regulations and will not be audible in adjacent residences at anytime.
10. The premises will not have DJ's, live music, cover charges or promoted events.
11. The premises will close all doors and windows at 10PM every night and anytime there is amplified music. Doors will not be propped open after those hours.
12. There will be no unlimited drink or all you can eat and drink specials.
13. There will be no bottomless brunches or boozy brunches.
14. The sidewalk café will have no more than 4 tables and 8 seats if licensed by the NYC DCA.
15. The premises will comply with the law and there will be no outdoor speakers.
16. The premises will not expand the indoor seating area and licensed drinking area in the future.
17. Music will not be audible per the NYC noise laws outside the premises.

vi. Whereas, the premises is located in an area that is highly residential and quiet in the evenings and not surrounded by late night establishments, there are residential units above and residential buildings across the street; and,

vii. Whereas, Village Community School (vcsnyc.org) located at 272-278 West 10th St. is a Kindergarten through 8th Grade School in buildings with addresses indicated on the NYC Building Information System including 278-280 Washington St and 663-665 Washington St.; the school is located on the Southeast Corner of Washington St. and West 10th St.; a community group stated that the school is used exclusively as a school and that is also the understanding of CB2 and that their measurements "as the crow flies" from

the closest regularly used door of the school to the entrance door of the proposed establishment is within 200ft; CB2 respectfully requests that the SLA review whether the proposed premises would be in violation of the 200 ft rule prior to the review and issuance of this license; and,

viii. Whereas, the Applicants have operated over time a number of establishments within NYC with full on-premise liquor licenses which the applicant states have been without incident; an extensive outline and summary addressing various aspects of public interest was presented along with a petition in support and letters of recommendation from both impacted parties and non-impacted parties; the applicant met with local groups in person and through representatives on the phone and hosted the most recent holiday party for one of the local block association within their other licensed premises Casa La Femme, which is located in the same building; and

ix. Whereas, several members of the community appeared in opposition both times the applicant presented their application and a number of letters in opposition were received with various levels of opposition including issues with the high number of liquor licenses within the West Village and other quality of life concerns; compelling concerns were raised regarding the operation of the Principals other location within the same building, Casa La Femme, as related to noise, both music from the premises when doors are open, which on occasion are also open when there are live Dance performances, and from loud patrons; CB2 has received complaints in the past and there have been 311 Complaints over the years and current letters received by CB2 outline that in warmer months this still occurs, complaints were also made regarding loud groups on occasion leaving the other establishment in the evening up to 4:30AM and moving through this quiet residential area (there are no other similar establishments in the immediate area which generate this type of noise); there was significant concern from immediately impacted neighbors regarding late night hours of operation that were defined as beyond 11pm and midnight and late hours of operation for the sidewalk café which was defined as operations beyond 10pm; there were also concerns that this location would cater to a later drinking crowd being mindful that most true dining establishments in the area are closed by 11pm or midnight; there were concerns that this premises would be combined with the delicatessen in the corner of this building in the future resulting in another large licensed establishment in a quieter predominantly residential area; it was also brought up during the 1st presentation to CB2 for this application that the Principals other establishment Casa La Femme may have been incorrectly presented as not subject to the 500-ft. rule when presented to the SLA when in fact there were clearly more than 3 licensed premises within 500 ft. at the time of the application, at that time the premises stated to CB2 as part of their method of operation that Casa La Femme's hours of operation would only be from 5PM to 1AM, it now operates until 4AM on the weekends without having returned to CB2 to alter their method of operation; CB2 had requested the applicant to appear in 9/2010 as a result of complaints by residents to CB2 and to 311, but by the time the applicant was called at that meeting those residents had already left the meeting, at the time the principals stated the residents concerns were unfounded and that they were unfairly being targeted and profiled; and,

x. Whereas, the Applicant agreed to the above stipulations with the express understanding that they addressed the concerns raised by residents in opposition and CB2, Man. and the Principal was emphatic that all stipulations would be adhered to without question including the hours of operation of the interior and the sidewalk café and closing of doors and windows; the applicant further stated that he did not agree with the past complaints raised and that they were absolutely a non-issue and would be a non-issue going forward and that he would immediately address any valid issues raised; he further stated that as the owner of all 4 ground floor businesses in the building it was important for him to run businesses which do not impact the quality of life of his neighbors; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new Restaurant On-Premise Liquor License for **Casita West Village, LLC, d/b/a Casita, 681 Washington St. 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On-Premise License; and,

THEREFORE BE IT FURTHER RESOLVED that CB2, Man. respectfully requests that the Liquor Authority review and determine whether the issuance of this license would comply with the “200-ft. rule” prior to reviewing the license application and prior to the issuance of any license as it relates to Village Community School, which is located at 272-278 West 10th St on the Southeast corner of West 10th St. and Washington St.; should the 200-ft. rule result as an agenda item at a future SLA full board meeting, CB2 respectfully request to be notified in advance.

Vote: Unanimous, with 32 Board members in favor.

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

15. The Mess 13, LLC, d/b/a The Mess, 22 E. 13th St. 10003 (OP – Restaurant)

Whereas, at CB2, Manhattan’s SLA Licensing Committee #2 Meeting on January 12th, 2017 the Applicant requested to **layover** this application for a new restaurant on-premise liquor license and will either appear in February/2017 or will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed; the layover was requested in order to continue to meet with local residents and to address outstanding issues in particular as they relate to improperly installed mechanical equipment for which ECB Violations have been issued, ECB violations #35195321L and #35167696J and for ECB Violations for operation of a place of assembly w/o a current certificate of operation, ECB violation #35167697L and for an altered/changed building occupied w/o a valid certificate of occupancy ECB violation # 35167695h; there was considerable concern as this application was submitted as a “transfer application” and it appears as if the underlying license for the previous entity was issued in error as current licensee from which the applicant is seek to “transfer” the license from had stated in 2012 that they would “file for a change to the certificate of operation prior to operating the establishment to properly reflect the proposed occupancy” as a part of their application; the previous principles are investors in the new entity; there is community opposition at this time as well;

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 **The Mess 13, LLC, d/b/a The Mess, 22 E. 13th St. 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 32 Board members in favor.

16. The Vault, LLC, d/b/a Lively, Vault at 675 Hudson St. 10014 (Corp Change OP – Restaurant SN#1226150 - Layover)

Whereas, prior to CB2, Manhattan’s SLA Licensing Committee #2 Meeting on January 12th, 2017, the Applicant requested to again layover this application for a corporate change to an existing on-premise liquor license, the premises being currently closed, and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA 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 **The Vault, LLC, d/b/a Lively, Vault at 675 Hudson 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 32 Board members in favor.

17. RH NY MP F&B, LLC, d/b/a TBD (Restoration Hardware), 9-19 Ninth Ave. 10014 (NEW RW - Retail Store and Restaurant – outdoor rooftop – complex) (Laid over)

Whereas, after appearing before CB2, Manhattan’s SLA Licensing Committee #2 Meeting on December 15th, 2016 the Applicant requested to layover this application in December 2016 and again in January 2017 for a new restaurant wine license for a 5 story premises operating as an upscale interior design gallery/interior decorating establishment and furniture showroom with a full service restaurant on the 5th floor and grab and go/pantry on the 4th floor and exterior showroom area on the 5th floor in order to have further dialogue if necessary and consider the requests of the committee and local residents; the SLA Committee was prepared to present a resolution recommending Denial of the Application to the Full Board of CB2 Manhattan in December 2016 in particular as it related to use of outdoor music on the exterior portions of the 5th Floor, but was willing to re-calendar the item on the January 2017 Agenda provided the applicant did not file his application with the SLA until then, CB2 is willing to again re-calendar the item in February 2017;

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 **RH NY MP F&B, LLC, d/b/a TBD (Restoration Hardware), 9-19 Ninth Ave. 10014** until the Applicant has re-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 32 Board members in favor.

18. 120 Uni Roast, LLC, d/b/a Roast Kitchen, 120 University Place 10003 (RW – Restaurant) (laid over)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on January 12th, 2017, the Applicant requested to **layover** this application for a new restaurant wine license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA 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 **120 Uni Roast, LLC, d/b/a Roast Kitchen, 120 University Place 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 32 Board members in favor.

19. FB 35 East 13, Inc, d/b/a N/A, 35 E. 13th St. 10003 (OP – BAR, currently operating as BAR 13, includes late-night live music, Rooftop, DJs and Patron Dancing) (laid over)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on January 12th, 2017 the Applicant requested to **layover** this application for a new on-premise liquor license across multiple floors with outdoor rooftop and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed; there is significant 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 **FB 35 East 13, Inc., 35 E. 13th St. 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 32 Board members in favor.

20. San Roku, LLC, d/b/a Raku, 48 MacDougal St. 10012 (OP – Restaurant) (laid over)

Whereas, prior to this months CB2, Manhattan's SLA Licensing Committee #2 Meeting on January 12th, 2017, the Applicant 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 prior to any filings with the SLA 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 **San Roku, LLC, d/b/a Raku, 48 MacDougal St. 10012** **until** the Applicant has presented

their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 32 Board members in favor.

21. Icelandic Fish & Chips US, LLC, d/b/a N/A, 28 7th Ave. South 10014 (OP – Restaurant) (laid over)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on January 12th, 2017, the Applicant 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 prior to any filings with the SLA 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 **Icelandic Fish & Chips US, LLC, d/b/a N/A, 28 7th Ave. South 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 32 Board members in favor.

22. The Meatpackers, Inc. , d/b/a TBD, 1-3 Little West 12th St. 10014 (OP – Restaurant with sidewalk cafe) (laid over)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on January 12th, 2017 the Applicant 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 prior to any filings with the SLA 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 **The Meatpackers, Inc. d/b/a TBD, 1-3 Little West 12th 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 32 Board members in favor.

Respectfully submitted,

Keen Berger
Secretary
Community Board #2, Manhattan