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## COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE  
NEW YORK, NY 10012-1899

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

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

November 25, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on November 20, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**1. SCM Culinary Suite, LLC d/b/a SCM Culinary Suite, 598 Broadway, 9th Floor 10012 (Corp. Change of Existing Catering Lic. #1264293)**

**Whereas**, this application is for a change in the corporate structure of an existing catering business, which operates in a 3075 sq. ft. loft space located on the ninth floor of a twelve-story mixed-use building on Broadway between Prince and Houston Streets; and

**Whereas**, the principal ownership of the business will remain the same and there will be no change to the existing method of operation, there is no outdoor space and the operator will continue to use the premises as its corporate headquarters, for certain events accommodating 30 guests for private dinners and 50 guests for cocktail receptions, as well as a production studio and test kitchen; and

**Whereas**, the hours of operation for catered events will be from 6 pm to 12 am every night, seven days a week, 1 table with 30 seats, 1 bar with no seats, in addition to a sofa and bench seats for a total seating of 34, music will be background only and there will only be 1 TV; and

**Whereas**, the applicant previously executed an agreement with CB#2 Man. as of March/2012 delineating certain stipulations to be incorporated into its method of operation and further agrees to continue to incorporate those stipulations and maintain the same method of operation for the premises; and

**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 OP license and the stipulations are as follows:

1. Will continue to operate under all existing stipulations previously agreed upon with CB#2 Manhattan.
2. Premises will continue to be advertised and operated as a catering service for private events with a full service modern gourmet test kitchen accommodating 30 guests for private dinners and no more than 50 guests for cocktail receptions.
3. Will operate events with hours of operation from 6pm to 12 am, every night seven days per week.
4. Music will be quiet, background level only and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the renewal for OP license to **SCM Culinary Suite, LLC d/b/a SCM Culinary Suite, 598 Broadway, 9th Floor 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" for an OP License.

Vote: Unanimous, with 49 Board members in favor.

David Gruber, *Chair*  
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November 25, 2014

Director  
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NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on November 20, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**2. Kings 55 Group, Inc., d/b/a Le Philosophe, 55 Bond St. 10012** (Seeking Upgrade of class of license from BW to OP license).

**Whereas**, this application seeks to upgrade its class of license to a full On Premise license from an existing Beer Wine license (#1267279) in a ground floor storefront location in a two-story mixed-use building on Bond Street between Bleecker Street and Great Jones; and

**Whereas**, the licensee currently operates a French Bistro Restaurant in a 1500 sq. ft. space with 21 tables and 42 seats, 1 bar with 9 seats and a recently added (Jan./2014) sidewalk café with 7 tables and 14 seats, there is one bathroom; and,

**Whereas**, the hours of operation are from Monday through Thursday from 12 pm to 11 pm, and Fridays and Saturdays from 12 pm to 12 am, music is background only; and

**Whereas**, CB#2 Man. has recommended to the Liquor Authority three times for denial of a license at this location, the first for a previous licensee for both a beer and wine license, the second for an upgrade to a full on-premise license and the third time when this particular operator/licensee initially applied for a beer and wine license in November/2012; and

**Whereas**, this operator has only been operating at these premises for sixteen months and there are already 23 licensed eating and drinking establishments within 500 feet of the premises (with two additional pending licenses), many of which are establishments with large multi-bar, multi floor venues and there are 3 other existing OP licenses on this block which is primarily residential with many of the buildings voluntarily agreeing to forego eating and drinking uses in the ground floor spaces during the building variance processes in order to maintain the residential character of the block; and

**Whereas**, when the applicant first applied for a beer and wine license at this location the immediate neighbors and Block Associations raised significant concerns about the licensee's beer and wine license creating justification to upgrade to a full on-premise license in the future; and

**Whereas**, the applicant submitted a petition in support of their application but no one from the neighborhood appeared to support of the license upgrade; and

**Whereas**, instead residents from the immediate area, the Noho Neighborhood Association and the NoHo Bowery Stakeholders appeared in opposition to the application and still other neighbors forwarded emails opposing the application, voicing concerns about the rapid rate of liquor licenses in the surrounding immediate area, the addition of numerous sidewalk cafes to the area over the last few years, the number of recent licensed locations added within the last few years, including next door at 53 Bond, on the same block and in the immediate area of this particular location and that the addition of yet another OP license to this immediate block and area will result in an overwhelming impact on the character of the neighborhood and the licensee's failure to establish a public interest or benefit for adding yet another eating and drinking establishment with full OP license in an area that already is heavily saturated with liquor licenses; and

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial for **Kings 55 Group, Inc., d/b/a Le Philosophe, 55 Bond St. 10012** on its application seeking to upgrade to a full On Premise license; and

**THEREFORE BE IT FURTHER RESOLVED** that if this application is considered by the SLA, despite CB2, Manhattan's recommendation to deny this application, CB#2, Man. requests that the SLA conduct a 500 foot hearing because there are over 23 licenses in the immediate 500 foot area surrounding these premises.

Vote: Unanimous, with 49 Board members in favor.

David Gruber, *Chair*  
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Dear Sir/Madam:

At its Full Board meeting on November 20, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**3. Aux Epices, Inc. d/b/a Aux Epices, 121 Baxter St. 10013** (BW seeking alteration to increase hours of operation)

**Whereas**, the applicant currently operates a Restaurant serving French Malaysian food in a 540 sq. ft. storefront in a five-story mixed-use building on Baxter Street between Canal and Hester Streets; and

**Whereas**, the premises currently operates with hours of operation from 11 am to 11 pm seven days per week, with one bathroom, no sidewalk café, no TVs and 11 tables with 22 seats and 1 bar with no seats; and

**Whereas**, the operator seeks to install floor to ceiling accordion type doors/windows which will open out to the sidewalk and to increase it hours of operation until 2 am seven days a week; and

**Whereas**, when the operator was asked about the reasons for the increase in hours, the operator indicated there were professionals, like “architects,” living in the neighborhood who needed a place to go for late-night dining but could indicate no other coherent reasons and no neighbors appeared in support of the increase in hours; and

**Whereas**, there are no eating and drinking establishments on the immediate block which operate past 12 am, the premises in question has never operated past 11 pm, the front entrance to the Most Precious Blood Catholic Church is located two addresses down from the premises at 113 Baxter Street and the operator refused to compromise on the requested late-night hours; and

**Whereas**, CB2 Man. has an existing executed stipulations agreement where the current hours of operation are a condition of the license, the stipulations agreement is incorporated into the method of operation; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial for **Aux Epices, Inc. d/b/a Aux Epices, 121 Baxter St. 10013** on its application seeking an alteration to increase its hours of operation for its existing BW license; and

**THEREFORE BE IT FURTHER RESOLVED** that should this application be considered by the SLA, CB#2, Man, respectfully requests that this item be Calendared to appear before the Full Board of the SLA for further consideration as to reducing the requested late night hours to a more reasonable time for this particular location specifically midnight.

Vote: Unanimous, with 49 Board members in favor.

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Dear Sir/Madam:

At its Full Board meeting on November 20, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**4. Hersha Hospitality Trust, d/b/a Hyatt Union Square, 76 E. 13th St. 10003** (Alteration seeking to add On Premise license to outdoor rooftop of Hotel)

**Whereas**, this application is to alter and extend an existing On Premise license for an 11-story Hotel built in 2012 to add a new eating and drinking establishment to Hotel's purported 1240 sq. ft. rooftop space; and

**Whereas**, the Hotel already operates 4 eating and drinking establishments within its 69,000 sq. ft. premises, there has never been an eating and drinking establishment or an on premise liquor license operating or extended to this rooftop space and it was previously used as an outdoor area exclusively for hotel guests to relax with some outdoor seating but for special events or any form of eating, drinking or entertainment; and

**Whereas**, the applicant purports to open a Sushi restaurant with a Zen Garden but there will be no full service kitchen on the rooftop and all food will be prepared in the Hotel's main kitchen or at a sushi bar on the rooftop, the menu will consist of cold dishes of sushi only and there will be 11 tables with 38 seats, 1 full service bar with 12 seats for a total occupancy of 60; there will be a glass structure that will cover 720 sq. ft. of the rooftop but it will not be fully enclosed and there will be exterior heating and air-conditioning systems installed on the rooftop to extend the rooftop's use into the colder weather months of the year or as stated, from early March to late November; and,

**Whereas**, patrons to the rooftop establishment will not be limited to Hotel guests, the hours of operation will be from 11 am to 12 am every day seven days a week, there will be speakers playing music but the music will be controlled and will be background levels only, there will be no dj or live music, there will be no scheduled performances or events with a cover charge; and,

**Whereas**, the rooftop premises is surrounded by residential buildings that rise up to 6 to 7 stories over the Hotel rooftop on three sides and those buildings that are located immediately adjacent to the Hotel's rooftop premises are 77 East 12<sup>th</sup> Street, 832 Broadway and 76 East 13<sup>th</sup> Street; and

**Whereas**, CB#2 Man. received numerous email correspondence in opposition to this application and many others appeared before CB#2 Man.'s SLA Committee in opposition, all of whom consisted of residents living in these three surrounding residential buildings whose bedrooms and bathrooms immediately abut the rooftop and who have a common boundary with the Hotel's rooftop premises; and

**Whereas**, the surrounding residents who corresponded with and who appeared before CB#2 Man. provided photos showing the closeness in proximity of their bedroom windows to the rooftop space planned for eating and drinking, their concerns of a significant increase of a noisy, late night and day time encroachment echoing against the surrounding building walls for what has always been for them a place of comfort, privacy and quiet, and that such an impact will be encumbered by the 40 to 45 apartments and hundreds of neighbors living in the three buildings immediately adjacent to the Hotel rooftop, some of which have resided in these apartments for their lifetime; and

**Whereas**, there were additional concerns relating to the permitting and temporary certificate of occupancy for the Hotel, suggesting that the Hotel could always seek to increase its rooftop occupancy, that the Hotel had submitted a previous Memorandum of Understanding with one of the adjacent buildings to close at 10 pm every night but has now abandoned that proposal, that there is an additional 500 sq. ft. of roof top terraces available to the Hotel and being used by the proposed restaurant which sq. ft. was not included on the application and floor plan thereby increasing the square footage for the rooftop space to approximately 1,800 sq. ft., that there is no letter of understanding with the other adjacent residential buildings as to the use of the rooftop premises and that there is a discrepancy in the application with CB#2 Man. of a semi-permanent roof system but the same roof system is also identified as a "roll-a-cover" and "retractable" roof system on the NYC Dept. of Building application; and

**Whereas**, CB#2 Man.'s SLA Committee also had concerns relating to the lack of a full service kitchen and a menu limited to cold dishes inconsistent with a full service Japanese style restaurant but that there would be a full service bar to the proposed rooftop premises, creating a method of operation that would ultimately give the applicant room to operate more as a bar instead of primarily as a dining establishment at the licensee currently proposes; and

**Whereas**, the applicant failed to demonstrate how the public interest would be promoted in adding an eating and drinking establishments to a rooftop which has never previously licensed and which is immediately surrounded by and in very close proximity to a significant number of residential apartments that will be significantly impacted by the licensing of the rooftop; and

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** to **Hersha Hospitality Trust, d/b/a Hyatt Union Square, 76 E. 13th St. 10003** on its application seeking an alteration to extend its OP license to add service to the Hotel's previously unlicensed outdoor rooftop; and

**THEREFORE BE IT FURTHER RESOLVED** that should this application be considered by the SLA, CB#2, Man, respectfully requests that this item be Calendared for a 500 foot hearing and to appear before the Full Board of the SLA for further consideration because the rooftop premises has never been licensed for eating and drinking.

Vote: Unanimous, with 49 Board members in favor.



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November 25, 2014

Director  
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NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on November 20, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**5. Afran Management Co., LLC d/b/a Manousheh, 193 Bleecker St. 10012** (BW, previously unlicensed location).

**Whereas**, this application is for a Beer Wine license for a small café serving traditional Lebanese food in a 425 sq. ft. storefront in a 5-story mixed use building located on Bleecker Street between Sixth Avenue and MacDougal Street with a full service kitchen, one bathroom, one entrance and no operable windows, there are 3 tables with 6 seats, 1 bar with no seats and a counter with 5 seats for a total patron capacity 11 seats; there will be no sidewalk café, no TVs; and,

**Whereas**, the premises were previously operated as a yogurt shop and pizzeria for many years and has never previously operated with a license for the service of alcohol; and

**Whereas**, the hours of operation will be from 9 AM to 12 AM Sunday through Thursday and from 9 am to 3 am Fridays and Saturdays but the applicant agreed to not serve alcohol past 1 AM; and

**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 OP license and the stipulations are as follows:

1. Premises will be advertised and advertised and operated as a full service restaurant serving Lebanese food.
2. Will operate with hours of operation from 9 AM to 12 AM Sunday through Thursday and from 9:00 AM to 3 AM on Fridays and Saturdays but will not serve alcohol past 1 AM on the weekends.
3. Music will be quiet, background level only and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
4. There will be no TVs.

5. Will close all doors and windows at all times.
6. There will be no benches placed outside and no sidewalk café.
7. All stipulations agreed to with the Bleecker Area Merchants' and Residents' Association are also included in this stipulations agreement.

**Whereas**, the operator met the Bleecker Area Merchants & Residents Association (“BAMRA”) and further agreed to abide by certain stipulations with BAMRA which are also incorporated into the CB2 Stipulations agreement as indicated above, which are as follows:

1. **Hours of Operation:** *The Establishment shall operate from 9:00 AM to 12:00 AM Sunday through Thursday and shall operate from 9:00 AM to 3:00 AM on Friday and Saturday and cease alcohol sales by 1:00 AM on Friday and Saturday, but will continue to operate with food sales until closing on Friday and Saturday.*
2. **Alcohol & Food Service:** *The Operator stated that he is focused on an authentic Lebanese dining experience consisting of several kinds of Lebanese flatbreads and stated that he will only sell Lebanese beer and Lebanese wine and agreed that he will not add any other kind of beer or wine to his menu. The beer will be served in the original bottles and the wine will be served in plastic tumbler-type wine glasses. The Operator states that there will be no table service, but that the ID's of all patrons ordering alcohol, who look as if they could possibly be underage, will be checked.*
3. **Certificates, Permits and Related Documents:** *The Operator shall obtain all required certificates, permits and related documents. (Applicant states that he has applied for a Letter of No Objection, but at the time of his presentation to BAMRA, no letter had been issued.)*
4. **Traffic:** *The Operator will use reasonable efforts to remedy any traffic issues brought to its attention, to the extent that it can. The Operator shall direct staff to monitor the patrons of the Establishment who are gathered outside the Establishment and the staff shall direct such persons or traffic going to and from the Establishment to keep the area clear and passable by pedestrians. The Operator will clean any debris left by its patrons (ie: cigarette butts, etc.) from the area in front of the Establishment and surrounding areas. Because his Establishment will be more take-out oriented and because these take-out oriented kinds of establishments have been a large source of noise and trash on the adjoining block (MacDougal/Bleecker), the Operator has agreed to monitor his patrons outside the area of his establishment and ask them to keep their voices down, dispose of their trash appropriately and will post a “Please be Respectful of Neighbors and Keep the Noise to a Minimum” sign. If they are consuming his food in a car parked in front of his establishment and that car is playing loud music, he will ask them to turn the music down to acceptable levels.*
5. **Outside Bench:** *The Operator will have no benches.*
6. **Manager:** *The Operator shall have an English-speaking manager or Owner on duty, capable of adequately communicating with residents of the community, to be present at the Establishment during all hours of operation. All Managers and staff will operate under these stipulations as well. Any complaints made about the Establishment to BAMRA will be relayed to the Operator and the Operator will make their phone numbers available to complainant and will work with both the complainant and BAMRA to reasonably resolve any issues.*
7. **Music:** *The Operator shall play quiet, background level music (operator states it will be mostly Arabic and popular music) from an ipod or like device with small speakers inside the Establishment and shall not play any music whatsoever outside the Establishment, nor deliberately direct music from within the Establishment to be heard outside the Establishment and shall not exceed NYC noise codes at any time. The Operator agrees to establish some mark or line on the volume controls of the sound system set at a level low enough that the music cannot be heard in any surrounding apartments (including those across the street) and that at no time will the volume be played above that level. If this measure proves to be ineffective, the*

*Operator agrees to install internal devices (such as a limiter, etc.) to control the volume to his sound system to keep it at acceptable levels.*

8. **Television:** *The Operator has agreed to never have a television for viewing by the public, but will have a television in the kitchen during World Cup Soccer for the kitchen staff to view only.*
9. **Lighting:** *The Operator shall not install illuminated signage or lighting, on or within the Establishment that would adversely and unreasonably disturbs residents living near the Establishment. Operator shall use no neon signage.*
10. **Sanitation:** *The Operators shall not place refuse at the curb except as close to pick up as possible and will make best efforts to coordinate garbage pick up times with other establishments.*
11. **Windows/Doors:** *Establishment doors shall remain closed at all times that any music within the Establishment is playing.*
12. **Notification Of Change Of Ownership:** *The Operator shall notify Manhattan Community Board 2 in the event of a change of ownership as required by law.*
13. **License Renewal:** *The Operator will appear before BAMRA and Manhattan Community Board 2 before renewing this liquor license, to determine if the stipulations are working and are being adhered to.*

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a BW license to **Afran Management Co., LLC d/b/a Manousheh, 193 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” for the License.

Vote: Unanimous, with 49 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
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Dear Sir/Madam:

At its Full Board meeting on November 20, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **6. QL Wholesome Food, Inc. d/b/a Quantum Leap, 226 Thompson St. 10012 (Existing license)**

**Whereas**, this application is for a corporate change to an existing BW license to continue operating as a full service vegetarian style restaurant in a 6 story mixed use building located on Thompson Street between Bleecker and West 3<sup>rd</sup> Streets in a 1100 sq. ft. storefront premise with one entrance/exit, a full service kitchen, one bathroom, there are 14 tables with 36 seats, no bar for a total seat capacity for 36 patrons; there is no sidewalk café and no backyard use; and,

**Whereas**, there will no changes with the current method of operation, the hours of operation will continue to be from 12 pm to 10:30 pm every day/night seven days a week; music will continue to be background only, there will be no TVs, no d.j., karaoke or live music and there will be no scheduled performances or events with a cover charge; and,

**Whereas**, the operator met the Bleecker Area Merchants & Residents Association (“BAMRA”) and further agreed to abide by certain stipulations with BAMRA that are being incorporated herein; and

**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 OP license and the stipulations are as follows:

1. Premises will be advertised and operated as a full service restaurant with a full service kitchen serving vegetarian fare with some fish.
2. Will operate with hours of operation from 11:30 AM to 12:00 AM Monday to Friday and from 11:00 AM to 12:00 AM Saturday and Sunday.
3. There will be no TVs.
4. There will be no sidewalk cafe.

5. Music will be quiet, background level only and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
6. Will not install operable windows that open out to sidewalk or otherwise.
7. Will close all doors and windows at all times.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of a BW license to **QL Wholesome Food, Inc. d/b/a Quantum Leap, 226 Thompson St. 10012** unless the statements of the applicant as presented to CB2, Man. are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" for the BW License.

Vote: Passed, with 48 Board members in favor, and 1 recusal (S. Tyree).

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Dear Sir/Madam:

At its Full Board meeting on November 20, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**7. Let's East Cantina Inc. d/b/a Pepe Rosso Cantina, 173 Mott St. Basement. 10013** (existing lic. # 102448, exp. 10/31/2015)

**Whereas**, the applicant already operates an Italian restaurant Pepe Rosso Social Restaurant at the same address on the ground floor but appeared before CB2 Manhattan's SLA Licensing Committee for a Tavern Wine license to operate the basement premises at the same address but which has a separate entrance from the street—and with other interior passageways leading between both establishments—to operate the basement premises for serving Italian fare from the restaurant in a six story mixed use building on Mott Street between Broome and Grand Streets; and

**Whereas**, the applicant has no plans to alter or modify/renovate the existing basement premises which previously operated by another, previous operator ("Double Happiness") as a non-conforming bar creating significant complaints in the neighborhood of late night noise but the current operator repeatedly agreed that he has no intention of operating the premises as a bar or tavern but rather in conjunction with existing Restaurant and further agreed never to operate the basement premises as a bar; and

**Whereas**, the total basement premises is 1,200 sq. ft., there will be 4 tables and 40 seats and 1 bar with five seats for a proposed occupancy of 45 patrons, no TVs, with background (quiet) music only, no sidewalk café or outdoor garden; and

**Whereas**, the hours of operation will be from 11 am to 11 pm from Sunday to Wednesday and from 11 am to 12 am on Thursdays through Saturdays; and

**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 OP license and the stipulations are as follows:

1. Basement premises will be advertised and operated as a full service Restaurant serving Italian food consistent with and in conjunction with the ground floor storefront restaurant.
2. Will not operate a sidewalk café or outdoor garden.
3. Will operate Sunday to Wednesday and from 11 am to 11 am and from Thursday through Saturday from 11 am to 12 am.
4. There will no TVs.
5. Will not seek to upgrade to full OP license class.
6. Will not be operated as a bar or tavern.
7. All doors and windows will be closed at all times.
8. Music will be quiet, background level inside restaurant only and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a beer and wine license to **Lets Eat Cantina, d/b/a Pepe Rosso Cantina, 173 Mott St., 10013** **unless** the statements of the applicant as presented to CB2, Man. are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the BW License.

Vote: Unanimous, with 49 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



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

## COMMUNITY BOARD NO. 2, MANHATTAN

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November 25, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on November 20, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**8. 176 Bleecker Franchise LLC, d/b/a 100 Montaditos, 176 Bleecker St. 10012 (“Upgrade” Change of Class from BW to OP)**

**Whereas**, the licensee appeared before the committee for an upgrade from a Beer and Wine license (#1275211) to a full on premise license in a 1,000 sq. ft. storefront premises with a 800 sq. ft. backyard garden located in a mixed-use building located on Bleecker Street between MacDougal and Sullivan Street; and

**Whereas**, the licensee has only been operating for less than one year at these premises and the premises was previously operated as a pizzeria known as the “Garden Pizza” for over 50 years (1957-2013); and

**Whereas**, the premises has never previously operated with a full On Premises license and there are already 65 licenses (RW & OP) to serve alcohol with a 500 foot radius of this particular location; and

**Whereas**, the licensees current method of operation is selling inexpensive Mediterranean sandwiches with inexpensive pitchers of beer and Sangria in a fast service, casual atmosphere with no wait service; and

**Whereas**, there are only 8 interior tables with 30 interior seats with 1 full service bar and 4 seats inside but there are as many as 14 tables with 56 seats in the rear yard for a total seating occupancy of 90, an occupancy that is in excess of the current letter of no objection (LNO) received from the NYC Department of Buildings, a letter which also does not permit eating and drinking in the rear yard of the premises; and



**Whereas**, the current hours of operation for the interior premise are from 11am to 11 pm Sunday through Wednesday and from 11 am to 2 am Thursday through Saturday and the exterior backyard hours are from 11 am to 11 pm seven days a week, there are two bathrooms and large French doors that open out to the public sidewalk and out into the backyard garden; and

**Whereas**, the licensee now seeks to operate with an On Premise license from 11 am to 2 am every day/night seven days per week but maintain the rear yard hours from 11 am to 11 pm every day/night seven days per week; and

**Whereas**, since the licensee first appeared before CB#2 Man. in 2013 and entered into a stipulations agreement for its beer and wine license, it has consistently failed to abide by those stipulations by installing a speaker system in the rear yard and playing music, by playing loud music in the interior which is often heard blaring out to the public sidewalk, by installing large accordion doors that open the front and rear facades of the establishment (out to the rear yard and public sidewalk) even though licensee agreed not to install such façade doors and further agreed to close all existing doors and windows at all times, by installing four TVs in the premises each broadcasting different sporting events at the same time when it agreed to install just one TV for “digital advertising”, by failing to provide an accurate patron occupancy for the interior premises (previously stated as 15 tables and 50 seats) and for the exterior backyard premises (previously stated as 8 tables and 22 seats) and by failing to obtain the proper permit to use of the backyard for eating and drinking; and

**Whereas**, The Bleecker Area Merchants’ & Residents’ Association (BAMRA) is a longstanding Association representing the Bleecker Street area for both businesses and residents who operate and live in the area immediately surrounding the licensed premises and after meeting and reviewing the instant application unanimously voted (15-0) to recommend denial of this upgrade application; and

**Whereas**, CB#2 Man.’s SLA Committee has significant concerns with regard to the applicants proposed method of operation serving low cost sandwiches in conjunction with the service of beer, wine, mixed cocktails and liquor, and with the majority of patron occupancy directed in the backyard garden, creating noise and quality of life issues for the adjacent residential neighbors (MacDougal-Sullivan Gardens, a Historic District since 1967), the high number of existing establishments serving alcohol in the immediate area, the licensee’s failure to accurately provide its interior vs. exterior patron capacity when it first applied for its beer and wine application and its failure to abide by its previously agreed upon stipulations with BAMRA and CB#2 Man. or to even be concerned that they had failed to abide by those agreements; and

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** for **176 Bleecker Franchise LLC, d/b/a 100 Montaditos, 176 Bleecker St. 10012** on its application seeking to upgrade to a full On Premise 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 for a 500 foot hearing and that it also appear before the Full Board of the SLA for further consideration because there are already 65 licenses to serve alcohol with a 500 foot radius of this particular location.

Vote: Unanimous, with 49 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



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

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November 25, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on November 20, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**9. Entity to be formed by Matthew Piacentini d/b/a The Up & Up, 116 MacDougal St. 10012 (OP license at previously licensed location)**

**Whereas**, this application is for a on premise license for a craft cocktail bar within a 5-story mixed-use building located on McDougal Street between West 3<sup>rd</sup> and Bleecker Streets in a 1,160 sq. ft. below ground storefront premise with one entrance/exit, two bathrooms, there are 14 tables with 55 seats, 1 full service bar with 14 seats for an occupancy of 64 patrons; there is no sidewalk café and no backyard use; and,

**Whereas**, the current method of operation will be a low key cocktail bar with a menu serving small plates, there will be no TVs, music with be background only, the hours of operation will be from 5 pm to 2 am Sunday through Wednesday and from 5 pm to 3 am from Thursday through Saturday, 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,

**Whereas**, the operator met the Bleecker Area Merchants & Residents Association (“BAMRA”) and further agreed to abide by certain stipulations with BAMRA that are being incorporated herein; and

**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 OP license and the stipulations are as follows:

1. There will be no TVs and will not operate as a Sports bar.
2. Will operate with hours of operation from 5:00 PM to 2:00 AM Sunday through Wednesday and from 5:00 PM to 3:00 AM Thursday through Saturday.

3. Music will be quiet, background level only and there will be no live music, outside promoters, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
4. Food will be served at all times.
5. Will not install French doors or windows that open out to sidewalk or otherwise.
6. Will close all doors and windows at all times.
7. Will not allow lines to form on the sidewalk in front of premises for patrons to enter.
8. Will not allow/permit patrons to sit and hang out on adjacent building steps or stoops to adjacent buildings.
9. All stipulations agreed to with BAMRA are incorporated into stipulations agreed to with CB2 Manhattan, which are as follows:

1. **Hours of Operation:** *The Establishment shall operate from 5:00 PM to 2:00 AM Sunday through Wednesday and from 5:00 PM to 3:00 AM Thursday through Saturday.*
2. **Alcohol & Food:** *The Operator stated that the Establishment will be a "Craft Cocktail Bar" focusing on specialized cocktails. There will be no vented kitchen. A prep bar will be located behind the main bar from which small plates of cheeses, patés, bruschetta, crostini and the like will be prepared. Food will be served until close.*
3. **Certificates, Permits and Related Documents:** *The Operator shall obtain all required certificates, permits and related documents.*
4. **Traffic & Crowd Control:** *The Operator will use reasonable efforts to remedy any traffic issues brought to its attention, to the extent that it can. The Operator shall direct staff to monitor the patrons of the Establishment who are gathered outside the Establishment and the staff shall direct such persons or traffic going to and from the Establishment to keep the area clear and passable by pedestrians. The Operator will clean any debris left by its patrons (ie: cigarette butts, etc.) from the area in front of the Establishment and surrounding areas. A host station will be located at the bottom of the stairs and host staff will regularly check at street level to make sure the Establishment's patrons are not blocking the narrow sidewalk in front, nor sitting on the stoops on either side and that patrons keep their noise to a minimum while outside the Establishment. To prevent any lines from forming outside the Establishment nor any groups waiting for entry, staff will take patrons' cell phone numbers and ask them to leave the area until they are called when their table is ready.*
5. **Private Parties:** *The Establishment shall have private, internally booked parties form time to time. No outside promoters will be used.*
6. **Manager:** *The Operator shall have an English-speaking manager or Owner on duty, capable of adequately communicating with residents of the community, to be present at the Establishment during all hours of operation. All Managers and staff will operate under these stipulations as well. Any complaints made about the Establishment to BAMRA will be relayed to the Operator and the Operator will make their phone numbers available to complainant and will work with both the complainant and BAMRA to reasonably resolve any issues.*
7. **Music:** *The Operator shall play quiet, background level music (operator states it will be mostly 60's & 70's film scores, Motown, Jazz, The Rolling Stones,) from an ipod or like device with small speakers inside the Establishment and shall not play any music whatsoever outside the Establishment, nor deliberately direct music from within the Establishment to be heard outside the Establishment and shall not exceed NYC noise codes at any time. There will be no live music, no DJ's (the Operator states that he will remove the existing DJ booth) and no outside sound equipment*

*will be used in the establishment. The Operator is having sound system reconfigured to match the quiet, background level music stipulation. The Operator agrees to establish some mark or line on the volume controls of the sound system set at a level low enough that the music cannot be heard in any surrounding apartments (including those across the street) and that at no time will the volume be played above that level. If this measure proves to be ineffective, the Operator agrees to install internal devices (such as a limiter, etc.) to control the volume to his sound system to keep it at acceptable levels. The Establishment will have an “ipod with curated, allowable playlists determined by the Operator played at acceptable volumes” as set forth in this particular stipulation.*

8. **Television:** *The Operator will have no televisions.*
9. **Sanitation:** *The Operators shall not place refuse at the curb except as close to pick up as possible and will make best efforts to coordinate garbage pick up times with other establishments.*
10. **Lighting:** *The Operator shall not install illuminated signage or lighting, on or within the Establishment that would adversely and unreasonably disturbs residents living near the Establishment. Operator shall use no neon signage.*
11. **Windows/Doors:** *Establishment doors shall remain closed at all times except for ingress and egress. If it proves necessary to mitigate sound, a sound curtain will be installed between the front and vestibule door and the Operator agrees that this has no impact on his agreement to keep the volume of the music to quiet background levels. The back door of the Establishment shall remain closed at all times.*
12. **Notification Of Change Of Ownership:** *The Operator shall notify Manhattan Community Board 2 in the event of a change of ownership as required by law.*
13. **License Renewal:** *The Operator will appear before BAMRA and Manhattan Community Board 2 before renewing this liquor license, to determine if the stipulations are working and are being adhered to.*

*The above mentioned terms of this agreement are to be added to the stipulations of Manhattan Community Board 2 if it approves the SLA application for a full OP license at 116 MacDougal St. filed by the Operator.*

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of an OP license to **Entity to be formed by Matthew Piacentini d/b/a The Up & Up, 116 MacDougal St. 10012** **unless** the statements of the applicant as presented to CB2, Man. are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” on the OP License.

Vote: Unanimous, with 49 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



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

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November 25, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on November 20, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **10. RGS Restaurant, Inc., d/b/a Boots and Saddle, 100A 7<sup>th</sup> Avenue South 10014**

**Whereas**, this application is for a “removal application” of an existing OP license operating as a Bar and Tavern from its previous location on Christopher Street to a 4 story mixed use building located on Seven Avenue South in a 2.200 sq. ft. the basement premises with one entrance/exit on Seventh Avenue for patrons, two bathrooms, there are 15 tables with 60 seats, 1 full service bar with 15 seats and an additional 60 banquets with seating for a total occupancy of 150; there is no sidewalk café and no backyard use; and,

**Whereas**, this basement premises has been vacant for a number of years but previously operated as the Actor’s Play House and subsequently as the Brick Cellar for eating, drinking and entertainment; and

**Whereas**, the applicant agreed to reduce its current hours of operation and will operate from 1 pm to 2 am Sunday through Wednesday and from 1 pm to 3 am Thursday through Saturday, there will be 2 TVs, DJs with entertainment level music but it will not operate as a live music venue, there will be no dancing, there will be no scheduled performances or events or cover charge to enter the premises; and,

**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 OP license and the stipulations are as follows:

1. Premises will be advertised and operated as a bar/tavern with entertainment level music.
2. Will operate with hours of operation from 1 pm to 2 am Sunday through Wednesday and from 1 pm to 3 am Thursday through Saturday.
3. There will be no live music, dj’s, promoted events, scheduled performances or any events for which a cover fee is charged.

4. Food will be served at all times.
5. Will close all doors and windows at all times.
6. There will be one entrance/exit on Seventh Avenue South for patrons.
7. Will employ 2 bonded security personnel at the premises until closing every night.
8. Security personnel shall be placed at the front door, whose job will include not permit large groups of patrons from congregating in front of the premises and to prevent or limit vehicles from double parking at or near the premises.
9. Will not allow lines to form on the sidewalk in front of premises for patrons to enter.
10. There will be no ropes or barriers on the public sidewalk in front of the premises and applicant shall take all reasonable measures to prevent any line from accumulating on the sidewalk, instead providing space inside the premises for patrons to queue/wait.
11. A temporary or permanent certificate of occupancy will always be in effect and not expired at all times when the premise is opened for business.
12. Will provide a roped off area for smokers whose noise will also be managed by security.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of an OP license to **RGS Restaurant, Inc., d/b/a Boots and Saddle, 100A 7<sup>th</sup> Avenue South 10014** **unless** the statements of the applicant as presented to CB2, Man. are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” for the OP License.

Vote: Unanimous, with 49 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



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

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November 25, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on November 20, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

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

**11. Tango House, Inc./Colonnades Restaurant Associates, Ltd. d/b/a Malbec Restaurant & Bar/Tango House, 428 Lafayette St. 10013** (Request for layover by counsel)

**Whereas**, at this month's CB2 SLA Licensing Committee meeting on November 10, 2014, the applicant's attorney requested to lay over this application from consideration until December/2014 so that can perform additional outreach to the surrounding community and so it can appear again and present its application and all the necessary paperwork for review; and,

**Whereas**, this application is for a Transfer of an existing OP license to a new operator/licensee;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any proposed alteration, corporate change or transfer of the Beer and Wine or On Premise license for **Tango House, Inc./Colonnades Restaurant Associates, Ltd. d/b/a Malbec Restaurant & Bar/Tango House, 428 Lafayette St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard; and,

Vote: Unanimous, with 49 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
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November 25, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on November 20, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**12. SPRBAR, Inc. d/b/a The Anchor, 310 Spring St. 10013** (attorney requested layover to December/2014)

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on November 10, 2014, the applicant appeared but thereafter his attorney requested to lay over this application from consideration until community outreach could be performed and until the application and all necessary paperwork was ready for review; and,

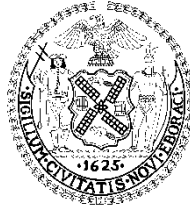
**Whereas**, this application is to add additional days of the week to operate an existing OP license;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any proposed corporate change or transfer of an OP license to **SPRBAR, Inc. d/b/a The Anchor, 310 Spring St. 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 49 Board members in favor.



David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
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November 25, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on November 20, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**13. Akram Restaurant Management, Inc., d/b/a Da Gennaro, 129 Mulberry St. 10013**  
(Withdrawn by applicant prior to meeting)

**Whereas**, prior to this month's CB2 SLA Licensing Committee meeting on November 10, 2014, the principal requested to withdraw this application from consideration; and,

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

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any proposed alteration to the Beer and Wine or On Premise license to **Akram Restaurant Management, Inc., d/b/a Da Gennaro, 129 Mulberry St. 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 49 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
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November 25, 2014

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Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on November 20, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **14. Mirtos Restaurant, Inc. d/b/a Village Den Restaurant, 225 West 12th St. 10011 (New RW)**

**Whereas**, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a new Restaurant Wine License pursuant to a new corporate entity that was formed in order to sign a new lease, which now includes only one of the original principals on the previous license from the entity formerly licensed at this location in order to continue operating the "Village Den Restaurant" that has been operating for the last 28 years at this location in exactly the same manner; and,

**Whereas**, this application is for a new Restaurant Wine License for a currently licensed location located on West 12<sup>th</sup> Street between Greenwich Ave and 7<sup>th</sup> Avenue in a mixed use building for a 900 sq. ft. restaurant, with 23 tables, 66 table seats and 1 service bar (no seats); there is an existing certificate of occupancy which indicates this is an allowable use on the ground floor; there is an existing sidewalk with 7 tables and 14 seats which will be assigned; and,

**Whereas**, the hours of operation will be from Sunday to Wednesday from 6 AM to 12 AM (midnight) and Thursday to Saturday from 6 AM to 1 AM (no patrons shall remain at closing), music will be ambient 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 dj, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, the applicant executed a stipulations agreement with CB2 Man. that they agreed would be attached and incorporated in to the method of operation on the new Restaurant Wine License stating that:

1. This application is for a restaurant wine license.
2. The premises will be operated and advertised as a full-service restaurant as it has been for the past 28 years. It will operate as a restaurant only.
3. The hours of operation will be from Sunday to Wednesday from 6 AM to 12 AM (midnight) and Thursday to Saturday from 6 AM to 1 AM. No Patrons shall remain at closing.
4. The kitchen shall remain open and a full food menu available until closing every night.
5. The operator will not operate as a nightclub or disco and will not seek a Department of Consumer Affairs Cabaret License.
6. The premises will not operate a backyard garden.
7. Sidewalk café will be operated no later than midnight Sunday through Thursday and 1 AM Friday and Saturday. There will be no more than 7 tables and 14 seats, tables and seats will be configured exactly to plans. All patrons shall leave the sidewalk café at closing and all tables and chairs shall be removed.
8. There is existing soundproofing within the premises.
9. All doors and windows will be closed at 10 PM every night without exception
10. There will be no DJs, live music, promoted events, any events at which a cover is charged or scheduled performances.
11. The food menu will remain the same or extremely similar to the menu presented at the time of the application, which is the same menu that has been served for the past 28 years.
12. Music will be quiet background music only.
13. There will be no standup bar. There is one service bar only.
14. There will be no televisions.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of a new Restaurant Wine License for **Mirtos Restaurant, Inc. d/b/a Village Den Restaurant, 225 West 12th St. 10011** unless the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 4<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 49 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



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

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November 25, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on November 20, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**15. Dorsia 8:30 LLC d/b/a Windsor, 189 W. 10th St. a/k/a 234 W. 4th St., 10014 (SN 1210408), (Renewal Application)**

**Whereas**, the Licensee appeared before CB2's SLA Licensing Committee after having been requested to do so by CB2, Man.; and,

**Whereas**, from CB2's understanding, there are currently disciplinary matters pending before the Liquor Authority in reference to this Licensee and some of the matters that are addressed in this resolution are pending as disciplinary matters; and,

**Whereas**, one of the two principals, Zoe Griggio appeared along with the General Manager hired within the last 9 weeks, and the head of security hired the same day of the hearing; and,

**Whereas**, one of the current principals Zoe Griggio indicated that she has been living in Florida for the past 2.5 years and was unfamiliar with the ongoing problems and that the other principal Christopher Jonns, had been overseeing the premises but now he is purportedly overseas and no longer available to discuss the ongoing problems over the past several years; she also indicated that there were problems with their past attorney and with paperwork filing when they purchased this LLC 5 years ago that still remain unresolved and uncorrected and consequently, she was unable to articulate the ownership structure and if other investors were in fact acting as principals or managers and involved in regular day to day operations, specifically Sean Largotta whose involvement and role Ms. Griggio was unable to articulate; and,

**Whereas,** Zoe Griggio stated she is aware that the premises had not been operating in compliance with the original method of operation since being renamed the Windsor and that the premises has been the subject of many ongoing complaints from neighbors because it has been operating as a Sports Bar with seven large flat screen TVs and not as a restaurant as was its stated method of operation when it first applied for its license; and,

**Whereas,** it was acknowledged that further stipulations agreed to in November 2012 had only started being followed within the past 6 weeks, but mostly in response to the ongoing disciplinary hearings commenced by the SLA and still other proposals were made regarding coming back into compliance with its original method of operation and stipulations to operate as a full service restaurant; and,

**Whereas,** CB2, Man. encourages the Liquor Authority to review the November 2012 CB2 resolution regarding the renewal of this same license at that time for background information and details of complaints that are still ongoing; and,

**Whereas,** the premises is located prominently in a corner building in a Historic District at West 10<sup>th</sup> and West 4<sup>th</sup> Streets at an intersection with narrow roadways surrounding by residential buildings but which already has six licensed eating and drinking establishments at the same intersection; and

**Whereas,** a number of regular patrons of the establishment who live within a few blocks of the establishment appeared in support of the establishment and spoke about changes that had just occurred in the past few weeks and that the operation was quieter and the windows were closed more often and curtains closed in the evenings and that they had observed this in their regular and many visits; and,

**Whereas,** a number of residents from the community appeared in strong opposition; one who lives several blocks away, was familiar with the ongoing issues and stated he was horrified that despite CB2's resolution two years ago that the exact same egregious behavior was still continuing; another has lived across the street for many years and stated that she had not observed any improvements in the operation and that changes in the past few weeks were not as described and were minor at best, she specifically cited the previous weekend as an example and stated that there was continuing excessive noise associated with premises beyond 2 AM, the time that they said they were closed during the meeting, she also presented recent pictures showing violations including signage (A frames) blocking the sidewalk, patrons congregating on the corner blocking the sidewalk, patrons watching TV from outside the premises (including one picture that shows close to 20 patrons seemingly watching something on TV inside), patrons reaching for drinks from outside the boundaries of the mapped premise while on the sidewalk, sitting in the windows, she also presented a log of complaints she made directly to the Licensee divided into complaint type (hours of operation, windows being open, crowding, sports related) and if there was a response from the Licensee (responses were limited), the number of individual complaints numbered over 80, she also said there have been no meaningful attempts to comply with stipulations to which they agreed in 2012, specifically doors and windows opened past 8:00 & 9:00 PM, windows open during sports events, and lack of security keeping the sidewalk clear or managing patrons; and,

**Whereas,** the ongoing complaints have continued over the past two years in violation of its previously stated method of operation and they are: hours of operation regularly until 4 a.m., open windows across the whole façade on both sides and open doors with loud patrons and music and sports events audible inside surrounding residential buildings, 7 televisions and operation as an upscale sports bar, entertainment level amplified music which is clearly not background as presented originally to the community, and there are often significant sidewalk crowding issues on the narrow sidewalks in front of the establishment; and,

**Whereas**, it appears that there has been little to no improvement in the overall operation over the past two years, and any attempts at changes have just only recently been occurring; and,

**Whereas**, the principal has indicated a willingness to comply with its original stipulations but has not yet acted to remove the TV's and operate a full restaurant with a full service kitchen and a full service menu at all times, immediately comply with all previous stipulations concerning security, close the windows at all times and immediately comply with original hours of operation (midnight weekdays, 2 AM Friday and Saturday); and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of the renewal of an on-premise liquor license for **Dorsia 8:30 LLC d/b/a Windsor, 189 W. 10th St. a/k/a 234 W. 4th St., 10014 (SN 1210408)**, and,

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. requests that the Liquor Authority continue to take appropriate ongoing enforcement actions or require the applicant to honor their originally stated hours of operation, method of operation, require that all doors and windows be kept closed at all times, that all tv's be removed and that the licensee stop disrupting the quality of life for local residents should the Authority consider renewing this license.

Vote: Unanimous, with 49 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



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

## COMMUNITY BOARD NO. 2, MANHATTAN

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

November 25, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on November 20, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **16. L'Atre Enterprises, Inc. d/b/a L'aile Ou La Cuisse, 314 Bleecker St. 10014 (Corporate Change – OP SN1137355 – with stipulations)**

**Whereas**, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a Corporate Change to an existing On-Premises Restaurant Liquor License SN1137355 to remove one principal from the existing license to leave Romaoin Bonnans as the sole 100% principal;

**Whereas**, the current restaurant is a French Restaurant that has been operating for the last 12 years; and,

**Whereas**, the premises was previously noted as 3,300 sq. ft. and is located on Bleecker St. on the corner of Grove St. in a mixed use building with 34 seats and 1 bar with 5 seats in the interior and 40 seats in the rear yard garden; there is an existing "letter of no objection" dated from 1993 but the letter only covers the interior of the premises of 314 Bleecker St. and does not indicate that patron use of the rear yard in 312 and 314 Bleecker St. is allowed; and,

**Whereas**, the hours of operation for the interior of the premises will be Sunday to Thursday from 8 AM to 12 AM (Midnight) and Friday to Saturday from 8 AM to 1 AM (no patrons shall remain in the premises at closing) and all outdoor areas including the rear yard garden will cease operation Sunday to Thursday at 10 PM and Friday to Saturday at 11 PM (no patrons will remain after those closing times in any outdoor areas) music will be ambient quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music) on the interior, there will be no music of any kind in the rear yard garden, there will be no dj, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, the applicant executed a stipulations agreement with CB2, Man. that they agreed would be attached and incorporated in to the method of operation on the existing On-Premises Restaurant Liquor License SN1137355 stating that:

1. This application is for a Corporate Change to an existing restaurant on premise liquor license serial number 1137355.
2. The premises will be operated and advertised as a French restaurant focused on French cuisine.
3. The premises will be operated as a full-service restaurant with the kitchen remaining open and a full food menu available until closing every evening.
4. The hours of operation for the interior of the premises will be Sunday to Thursday from 8 AM to 12 AM (Midnight) and Friday to Saturday from 8 AM to 1 AM. No patrons shall remain in the premises at closing.
5. All outdoor areas including the rear yard garden will cease operation Sunday to Thursday at 10 PM and Friday to Saturday at 11 PM. No patrons will remain after those closing times in any outdoor areas.
6. The premises will not operate as a nightclub/disco or lounge and will not seek a Department of Consumer Affairs cabaret license.
7. The operator has elected to remove the previously existing sidewalk café from the licensed premises.
8. There is existing soundproofing in the interior of the premises.
9. There are no French doors or windows.
10. There will be no DJs, live music, promoted events, any events at which a cover is charged or scheduled performances.
11. There will be no televisions.
12. Music in the interior will be quiet background music only.
13. There will be no music in outdoor areas.
14. The licensee will correct all outstanding Department of Building Violations (resolve fines and submit evidence of compliance).

**Whereas**, the restaurant is located within the building know as 314 Bleecker St. and the rear yard spans the back yards of both 312 Bleecker St. and 314 Bleecker St., apparently there is an illegal structure built in the rear yard and seating spans both rear yards, neither of which have any documentation stating that patron seating is an allowable use; and,

**Whereas**, there was discussion with the Licensee and his representative regarding certain outstanding Department of Buildings/Environmental Control Board Violations in conjunction with the rear yard garden of the premises listed under the 312 Bleecker St Address both for an improperly installed structure and associated violations and a non-permitted place of assembly; an improperly installed exhaust blower under the 314 Bleecker St. address; open violations still exist for both and which also show no certification of compliance, the violations date back to 2008 with several violations marked aggravated and total unpaid penalties under 312 Bleecker St. are \$14,000 and the total unpaid penalties under 314 Bleecker St. are \$88,000; and,

**Whereas**, the Licensee stated that he was in the process of addressing these violations, but was unable to provide any evidence or meaningful discussion of how this was proceeding and was unable to identify any future hearing dates at which these issues would be addressed; the licensee's representative stated he did not understand why this was an issue when this was simply a corporate change; it was noted that some of these violations are safety violations and were therefore relevant; the licensee stated that the structure was historic and this was proving very difficult to address in administrative hearings; and,



**Whereas**, CB2 Man. accepted a stipulation indicating that the licensee will correct all of Department of building and violations; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the Corporate Change to the existing On-Premises Restaurant Liquor License SN1137355 to remove one principal from the existing license to leave Romain Bonnans as the sole 100% principal for **L'Atre Enterprises, Inc. d/b/a L'aile Ou La Cuisse, 314 Bleecker St. 10014** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 5<sup>th</sup> "whereas" clause above are incorporated into the "Method of Operation" on the On-Premises Restaurant Liquor License SN1137355.

Vote: Unanimous, with 49 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



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

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November 25, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on November 20, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **17. Whynot My Way, LLC d/b/a Whynot Coffee, 14 Christopher St. 10011 (Upgrade SN#1272603 to OP)**

**Whereas**, the applicant and his attorney appeared before CB2's SLA Licensing committee to present an application to "**upgrade**" their current Restaurant Wine license to an On-Premise Liquor License; and this application is being submitted simultaneously with an "alteration" application, which is addressed in a separate resolution; and,

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

**Whereas**, after appearing before CB2, Man. in July 2013 and having received notice of CB2's recommendation to deny the application, the Licensee mailed, after the fact, 2 additional alterations and completed CB2 Questionnaires in late July and in August to CB2, but did not return to present those changes to CB2 or request to return – the amendments were to remove the sidewalk café from the application and to add another floor, the basement space, to the premises with an additional 10 tables, 10 couches and 2 chairs for a total of 26 seats in the basement and two additional bathrooms in the basement;

This almost doubled the patron capacity of the premises while adding live music in the evening hours and creating a much more significant impact on the surrounding area which is zoned for residential uses only and has very narrow streets; and,

**Whereas**, the Liquor Authority subsequently approved the RW application; and,

**Whereas**, in the Licensee's current application, the Licensee states that premises currently operates as a bistro over the two floors with two separate entrances, with hours of operation from 6 AM to 12 AM Sunday to Wednesday and 6 AM to 1 AM Friday and Saturday; and,

**Whereas**, recently, the upstairs and downstairs of the premises are operated under different names, the upstairs, Whynot Bistro has quiet mellow music from a vinyl record player and as of January 2014, the basement operates as Whynot Jazz Room, a live music venue with amplified live music and regular live performances; the last questionnaire mailed to CB2 indicates that there would only be small jazz trios once or twice a week without amplification; and,

**Whereas**, prior to receiving a restaurant wine license from the Liquor Authority, this location was **previously unlicensed**, most recently operating as a clothing store; the premises is located in a grandfathered commercial space in a residential building located in an **R6 Residential Zoning District** on the charming corner of Christopher St and Gay Street (southern corner); and,

**Whereas**, the proposed bistro restaurant will be roughly 1,500 sq. ft on two floors (1,000 sq ft ground floor, 500 sq ft cellar); the ground floor has 16 tables and 36 seats, one stand up bar with no seats, the seating on the ground floor includes 1 couch that seats three people and 2 chairs on the southeast wall of the café, the basement has 10 tables and 10 Couches and 2 chairs for 26 seats total, there is an existing Certificate of Occupancy, which indicates maximum occupancy in the basement of 27 seats and on the ground floor of 47; should the premises ever operate with more than 74 persons across the two floors, a Place of Assembly would be required as these two spaces are presented as being operated as one unit; and,

**Whereas**, the applicant did reach out to a neighborhood association, but it appears to be a defunct organization; a petition with over 100 signatures was presented in conjunction with this "upgrade request", but it claims the location is currently open from 6 AM to 4 AM 7 days a week and that they are adding additional live music even though the premises does not currently operate with those hours on a regular basis, if ever, their application states the hours are until midnight/1AM and the petition does not state that the additional live music operates under a different moniker and that there is an accompanying change to the floor plans to make the basement primarily a music venue with scheduled performances and cover charges; in fact, it is written so broadly as to not convey the actual changes being presented; and,

**Whereas**, CB2, Man. respectfully requests that the Authority consider these concerns as it evaluates this upgrade application:

1. The premise has never been licensed for the service of alcohol (at least for the past 20 years).
2. There are approximately 23 On-Premise Liquor Licenses within 500 feet of this location. In contrast, this is a quiet residential side street. Gay Street is a gem world renowned for its character and ambiance. It is one of a handful of narrow one-block streets in NYC. The Greenwich Village Society for Historic Preservation calls Gay Street "one of the quaintest and most intriguing streets in the West Village" and "one of the Village's most charming and literary streets." It is lined with ground floor residential units.

3. This is a grandfathered commercial space in a residential building located in an R6 Residential Zoning District.
4. There are plenty of coffee shops in the area and numerous bistros and numerous places with full liquor licenses all offering varying combinations of what this Licensee presents as unique, and in fact licensing this location for Full Liquor would offer nothing unique, and in fact would be detrimental. There are plenty of live jazz venues as well in properly zoned areas, some also located in basements.
5. There's no need for a bistro to have a full on premise liquor license.
6. A new live music venue in the basement with cover charges and scheduled performances operating under a different moniker or name is wholly inappropriate in a residential neighborhood with R6 zoning and all the characteristics of a residential neighborhood including narrow streets and ground floor apartments in adjoining buildings.
7. Music venues with live music and scheduled show times, cover charges attract a late night clientele that linger and smoke on the sidewalk creating noise and this is a residential community.
8. The existing premise has sound problems and music leakage is regularly heard as several residents testified. If the accompanying alteration application to this upgrade application to change seating the basement is approved, it will only expand this problem.
9. The addition of the live music venue makes this a de-facto destination location in a residential neighborhood, adding full liquor again just exacerbates the situation and increases vehicular traffic for those who take for hire cars because they are unfamiliar with the named streets in Greenwich Village that do not run on a Cardinal axis; and,
10. The issuance of this license would adversely affect pedestrian traffic because the licensee's illegal benches would remain. The benches cause local residents to have to walk in the street because of the crowds sitting in Whynot's 4 Illegal Benches with 17 seats and congregating in front of them on the sidewalk; and,
11. Because the Licensee seems to have trouble adhering to many regulations at this location, upgrading to a full on-premise license that carries more responsibility is inappropriate.
12. It is wholly inappropriate to operate this premises with separate outdoor entrances to both the ground floor and the basement under two different names, Whynot Bistro and Whynot Jazz Room.
13. Prior to opening, the applicant improperly/illegally and knowingly altered two very large plate glass non operable windows facing gay street to convert them from non-operable plate glass windows to huge operable windows – the Licensee was aware that this was a landmark district prior to this change – they were issued a violation by the NYC Landmarks Commission on 12/31/2013 for "Alterations of 1st floor windows at Gay Street facade without permit(s)." This violation has not yet been corrected. Additionally these illegal windows which are not supposed to open are kept open any time the weather is agreeable at all hours creating quality of life issues.
14. Prior to opening, the applicant also knowingly improperly replaced the Gay Street façade – they were issued a violation by the NYC Landmarks Commission on 12/31/2013 for - "Replacement of storefront at Gay Street facade without permit(s)." This violation has not yet been corrected.
15. Prior to opening the applicant knowingly added awnings again in a landmark district – they were issued a violation by the NYC Landmarks Commission on 12/31/2013 for "Installation of awnings at Gay Street facade without permit(s)." This violation has not yet been corrected.
16. CB2, Manhattan takes violations of Landmarks regulations seriously as these designations help protect the historical character of our community, embody what our community looks like and are the root of why the residential portions of our community such as this area are highly sought after areas to live, because the unique historical character here is recognized and protected. The intersection of Gay Street and Christopher Street is the embodiment of why this

historic area is world-renowned. For someone to knowingly make such drastic changes while trying to do so undetected is an affront to our Community in CB2, which is home to a significant portion of the landmarked districts in New York City.

17. The original application for the RW included a sidewalk café. It was pointed out to the Applicant that this location is *not eligible* to have a sidewalk café because it is located within an R6 residential zoning in which sidewalk cafes are not allowed. The applicant went ahead at that time and instead of a sidewalk café which he could not have, he illegally placed 4 benches along the Gay Street Façade that include 17 seats, (this is twice the number of seats he originally applied for in a sidewalk cafe. He does not have a revocable consent from the Department of Transportation to have any sidewalk benches. This is a residentially zoned area with ground floor apartments and these Benches are highly inappropriate even to the casual observer. These benches occupy the entire Gay street façade. Behind the benches are the large illegally opening windows, which are always open when the weather is nice. If the façade were longer there would undoubtedly be even more benches.
18. The operator originally stated in July 2013 that he would close his illegal windows at midnight even though he would have scheduled live music in the establishment several days a week. It is inappropriate to have live music in an open-air environment with large windows in a Residential District. The live music is now in the basement, but regardless of whether there is any music, it is inappropriate in a residential district to keep any illegally converted windows open. At the time, the operator stated he could not close his illegal windows before midnight because in order to close the windows he would need to move tables and chairs where customers would be sitting.
19. During the original application in 2013 - community outreach was limited and occurred during the July 4<sup>th</sup> Holiday Week when many residents were out of town or on vacation.
20. The current hours of operation for this coffee shop are beyond what most coffee shops operate in the West Village who also have beer and wine licenses, which would beg the question as to how the “late night operation” with live music and open windows would operate and the quality of life impact this would have. In fact several residents who live across the street testified to this very problem.
21. CB2 does not believe that waiving the requirement for having two bathrooms is in the public benefit as the number of customers transiting through “coffee shops” is very high, and as is well known, many customers do use the restroom facilities and having only one restroom is not beneficial to the establishment or to the public in general given the lack of public restrooms in New York City and in this area specifically (accompany alteration removes two restrooms). This is especially inappropriate if the Licensee continues to use the illegal benches in addition to the two floors of interior seating.
22. While the operator provided pictures to accompany the application, no pictures were offered with views of the huge open windows and the 4 illegal benches and in fact, great lengths were gone to capture angles that did not show the operable windows or the illegal benches.
23. This application is a classic example of a bait and switch application. It was originally presented to CB2, Man. as a 1-story coffee shop closing at 1 AM latest with occasional light unamplified live jazz music. It is now a bistro aiming to be open until 4 AM or 2 AM, depending on the presentation of the application and the basement is now part of the premises and it is now being operated as a live music venue often 5 days a week with amplified music (including late night) with the basement now even using a separate moniker identifying it as a separate location. CB2 and the Community have been told that’s the way it is by the applicant, and at every turn this application has morphed in an unprofessional manner for a supposed neighborhood establishment extracting as much as possible and going far beyond until cited by enforcement agencies even though certain actions are blatantly illegal and each turn is so dark gray in character that in sum it appears to reflect poor character of the operator to the point the authority should consider taking character into consideration in issuing this license.

**Whereas**, several local residents who live immediately next door and across the street appeared and written correspondence from neighbors who live next door and across the street was received; the correspondence cites the residential character of the neighborhood is inappropriate for what is now a continually morphing coffee shop that would now like a full liquor license with a basement live music venue; that another licensed establishment that the Licensee owns and operates around the corner, Olio (SN1239338), has flagrantly violated New York City Sidewalk Café Laws in the past until they received violations by both operating their sidewalk café well beyond the hours mandated by law and by having many more tables and chairs than allowed on their sidewalk café license and for placing tables and chairs in front of other establishments beyond their licensed area after those establishments have closed, namely the flower shop next door; it was also pointed out that at this establishment, the subject of this application on Gay Street, the Licensee was doing the same thing with 4 illegal benches and 19 seats creating an open air patio on the public sidewalk illegally; that the premises has increased the noise and traffic in the area and in particular the illegal operable windows which are open late into the evening and this forces people who live in the immediate area to essentially have this operator and their patrons in their living rooms and bedrooms; that sound leakage from the basement travels directly into the apartments across the street, that the illegal benches are essential a breach of the trust of the public space known as the sidewalk and street and that while this may be a legal use for the interior of this commercial space this is still first and foremost a residential neighborhood that is mostly quiet and free from the hustle and bustle of the nearby avenues and upgrading would certainly add to the foot traffic and noise and is counter productive to the character of the neighborhood; and,

**Whereas**, CB2, Man. had originally requested that the applicant in July 2013 re-envision his plan for the business in terms of operating within a residentially zoned community and requested that they return to CB2, Manhattan at a later date with an accurate completed CB2 Questionnaire and a copy of their application to the Liquor Authority reflecting that information, but instead the Licensee chose to avoid the community board, simply mail updated materials reflecting changes they had made that they were aware only exacerbated the situation and went directly to the Liquor Authority; and,

**Whereas**, there are approximately 23 On-Premise Liquor Licenses within 500 feet of this location, this location is subject to the “500 Ft Rule” and no exceptions appear to apply and therefore CB2, Man. respectfully requests that a “500 ft.” hearing be conducted and that this resolution be entered into the record; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of an upgrade from the existing restaurant wine license to an on-premises liquor license for **Whynot My Way, LLC d/b/a Whynot Coffee, 14 Christopher St. 10014**; and,

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. respectfully requests that this item be placed on the calendar at a future Full Board meeting of the Liquor Authority in order for the Commissioners to review this matter and hear from directly impacted neighbors prior to making a final determination; and,

**THEREFORE BE IT FURTHER RESOLVED** that CB2 Man. respectfully requests that the Liquor Authority consider **imposing the following conditions on the existing restaurant wine license SN#1272603** (not on the upgrade request which CB2 opposes), irrespective of any other determinations as the Licensee never appeared in its current iteration before CB2:

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

3. No scheduled live music performances or cover charges as originally presented to CB2.
4. Windows and doors remain closed at all times as the existing operable windows were illegally installed and continue to be illegal. Additionally keep the kitchen door on Gay Street closed at all times
5. Remove all illegal outdoor benches.

Vote: Unanimous, with 49 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



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

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

November 25, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on November 20, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **18. Whynot My Way, LLC d/b/a Whynot Coffee, 14 Christopher St. 10011 (RW) (substantial alteration SN#1272603)**

**Whereas**, the applicant and his attorney appeared before CB2's SLA Licensing committee to present an "alteration application" to their existing Restaurant Wine license; this application is being submitted simultaneously with an "upgrade" application, which is addressed in a separate resolution; and,

Whereas, CB2, Man. encourages the Liquor Authority to review CB2's resolution regarding the "upgrade" application even if the "upgrade" application is not submitted by the Licensee because it may have additional contextual information; and,

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

**Whereas**, after appearing before CB2 in July 2013 and having received notice of CB2's recommendation to deny the application, the Licensee mailed, after the fact, 2 additional alterations and completed CB2 Questionnaires in late July and in August to CB2, but did not return to present those changes to CB2 or request to return – the amendments were to remove the sidewalk café from the application and to add another floor, the basement space, to the premises with an additional 10



tables, 10 couches and 2 chairs for a total of 26 seats in the basement and two additional bathrooms in the basement; This almost doubled the patron capacity of the premises while adding live music in the evening hours and creating a much more significant impact on the surrounding area which is zoned for residential uses only and has very narrow streets; and,

**Whereas**, the Liquor Authority subsequently approved the RW application; and,

**Whereas**, in the Licensee's current application, the Licensee states that premises currently operates as a bistro over the two floors with two separate entrances, with hours of operation from 6 AM to 12 AM Sunday to Wednesday and 6 AM to 1 AM Friday and Saturday; and,

**Whereas**, recently, the upstairs and downstairs of the premises are operated under different names, the upstairs, Whynot Bistro has quiet mellow music from a vinyl record player and as of January 2014, the basement operates as Whynot Jazz Room, a live music venue with amplified live music and regular live performances; the last questionnaire mailed to CB2, Man. indicates that there would only be small jazz trios once or twice a week without amplification; and,

**Whereas**, prior to receiving a restaurant wine license from the Liquor Authority, this location was previously unlicensed, most recently operating as a clothing store; the premises is located in a grandfathered commercial space in a residential building located in an R6 Residential Zoning District on the charming corner of Christopher St and Gay Street (southern corner); and,

**Whereas**, the proposed bistro restaurant will be roughly 1,500 sq. ft. on two floors (1,000 sq. ft. ground floor, 500 sq. ft. cellar); the ground floor has 16 tables and 36 seats, one stand up bar with no seats, the seating on the ground floor includes 1 couch that seats three people and 2 chairs on the southeast wall of the café, the basement has 10 tables and 10 Couches and 2 chairs for 26 seats total, there is an existing Certificate of Occupancy, which indicates maximum occupancy in the basement of 27 seats and on the ground floor of 47; should the premises ever operate with more than 74 persons across the two floors, a Place of Assembly would be required as these two spaces are presented as being operated as one unit; and,

**Whereas**, the applicant did reach out to a neighborhood association, but it appears to be a defunct organization; a petition with over 100 signatures was presented in conjunction with the accompanying "upgrade" request, but it claims the location is currently open from 6 AM to 4 AM 7 days a week and that they are adding additional live music even though the premises does not currently operate with those hours on a regular basis, if ever, their application states the hours are until midnight/1AM and the petition does not state that the additional live music operates under a different moniker and that there is an accompanying change to the floor plans to make the basement primarily a music venue with scheduled performances and cover charges; in fact, it is written so broadly as to not convey the actual changes being presented; and,

**Whereas**, the Licensee states the changes being submitted in this alteration application are as follows:

1. The trade name has changed from *Whynot Coffee* to *Whynot Bistro*.
2. The ground floor seating will increase from 40 seats to 44 seats, which includes 6 counter seats and 4 bar/counter seats. The number of tables will remain at 16 tables (refer to current and proposed floor plans).
3. The basement seating will be reconfigured for bench seating and will remain at 26 seats. The number of tables will increase from 10 tables to 17 tables. One of the two restrooms will be removed. A musical stage or designated permanent performance area is being created.

The double door vestibule is being removed. Door to the interior stairs is being reconfigured. (refer to current and proposed floor plans)

4. The food preparation area will be enlarged to include a kitchen. The ground floor bathroom will be removed for the expansion of the food preparation area into a kitchen (refer to current and proposed floor plans).
5. The menu has been changed from a cafe style menu to a bistro style menu. (refer to current and proposed menus).
6. Live music currently consists of light jazz or classical trios once or twice a week and the frequency of the live music will increase to a few times a week with cover charges and scheduled performances.

**Whereas**, in respect to item #1:

Regarding a name change from Whynot Coffee to Whynot Bistro, CB2, Man. does not object to the name change, but does not believe the basement should be allowed to operate under a different name, specifically Whynot Jazz Room. The entire premises should be operated under one d/b/a name only, Whynot Bistro. The use of more than one d/b/a name legitimizes the use of the basement as a live music venue, which is not appropriate in a residential area with scheduled performances and cover charges.

**Whereas**, in respect to item #2:

Regarding a change in seating on the ground floor, CB2, Man. has no objection to the proposed floor plans.

**Whereas**, in respect to item #3:

Regarding a change in seating in the basement, CB2, Man. strenuously objects as the proposed alteration in seating changes the basement into a live music venue with all seating directed to a stage/performance space, which is not an appropriate use for the basement for a licensed premise (RW or OP) given the residential zoning that this premises is located in, this is supported by testimony from neighbors in regards to noise issues.

Regarding the reduction in bathrooms in the basement from two bathrooms to one bathroom, CB2 objects if the 1<sup>st</sup> floor bathroom is removed. CB2, Man. believe that the 2-bathroom rule should not be waived as while this is now a “bistro”, it still functions as a coffee shop and including all the seating throughout the premises and the 17 seats in the illegal outdoor benches, this premises warrants 2 bathrooms. Businesses such as this that have quick grab and go items or short visits for small plates also provide bathrooms for visitors to our neighborhoods that are also patrons of the establishment. The total legal seating and the additional illegal seating do not warrant waiving the two-bathroom rule.

Regarding the musical stage or designated permanent performance area that is being created. CB2, Man. Strenuously Objects to the creation of any designated performance area or stage as this would codify the basement as a live music venue, which again is not appropriate in this location. It is also wholly inappropriate to place the stage next to the entrance when sound is known to be an issue here.

Regarding removing the double door vestibule and replacing it with a single door, CB2 is baffled by this proposal as music emanating from the basement is a complaint of those residents who live directly across the street. CB2 does not approve of this as a live music venue, but if music were to be played, most operators would install a double vestibule, not remove an existing one. Clearly CB2 Objects to this. Installing a stage next to the door is even more egregious.

Regarding the door to the interior stairs being reconfigured. CB2, Man. objects as the only reason for this is to accommodate the stage area

**Whereas**, in respect to item #4:

Regarding enlarging the kitchen, CB2 has no objection if the enlargement is done in such a way as to not necessitate elimination of the ground floor bathroom and the kitchen door to Gay St remains closed at all times except for deliveries. The kitchen enlargement should be done in such a way that does not necessitate elimination of the ground floor bathroom.

Regarding the elimination of the ground floor bathroom, CB2 strenuously objects. Licensed RW or OP premises such as this (coffee shop/bistro's) that have existing ground floor bathrooms should not be able to remove them to expand their kitchens, unless the kitchen expansion cannot be done in any other way (it looks like it could be done differently here), because patrons, visitors, those with disabilities or difficulty going up and down stairs or parents with children in strollers or families that patronize establishments such as this (sit down or grab and go) rely on existing premises with ground floor bathrooms. If the two-bathroom rule were to be waived, both bathrooms in the basement should be eliminated and the ground floor bathroom retained. However as previously addressed, the 2-bathroom rule should not be waived and one bathroom should remain on each floor to properly service not only the patrons in the legal seating in the premises, but also the patrons in 17 illegal bench seating in the exterior.

**Whereas**, in respect to item #5:

Regarding the menu change from a cafe style menu to a bistro style menu. CB2, Man. has no objection.

**Whereas**, in respect to item #6:

Regarding the frequency of the live music and the addition of cover charges and scheduled performances. CB2, Man. strenuously objects to turning the basement of this venue into a dedicated or even partially dedicated live music venue by virtue of changes to the frequency of performances, the addition of cover charges and adding scheduled performances. There should only be 1 or 2 live acoustic performances a week as originally stated. CB2 objects to regularly scheduled performances. CB2 objects to cover charges. CB2, Man. strenuously objects to any amplified music. This premises was never presented with a live music venue in the basement and certainly not a live music venue with amplified music in the basement. The basement should not be known as Why Not Jazz Room (Whynotjazzroom.com). It should be an accessory seating area to the upstairs bistro and not know for a separate operation as was intended. One or two unamplified acoustic performances by trios (or less) a week as presented is all that should be permitted.

**Whereas**, in respect to any alterations, CB2, Man. respectfully requests that the Authority consider taking into account the following in its determinations, particularly as they relate to the conversion of the basement to a live music venue and also consider the character of the residential community, local laws including landmark laws and the character of the applicant, if it deems this relevant, in making any determinations:

1. This application is a classic example of a bait and switch application. It was originally presented to CB2 as a 1-story coffee shop closing at 1 AM latest with occasional light unamplified live jazz music. It is now a bistro aiming to be open until 4 AM or 2 AM, depending on the presentation of the application, and the basement is now part of the premises and it is now being operated as a live music venue often 5 days a week with amplified music (including late night) with the basement now even using a separate moniker identifying it as a separate location. CB2, Man. and the Community have been told that's the way it is by the applicant, and at every turn this application has morphed in an unprofessional manner for a supposed neighborhood establishment extracting as much as possible and going far beyond until cited by enforcement agencies even though certain actions are blatantly illegal and each

turn is gray in character and that in sum it appears to reflect poor character of the operator to the point the authority should consider taking character into consideration in approving this alteration.

2. It is wholly inappropriate to operate this premises with separate outdoor entrances to both the ground floor and the basement under two different names, Whynot Bistro and Whynot Jazz Room.
3. By allowing these alterations to move forward as described above, the character of the basement of the premises would change in such a way that it would appear that there were two separate businesses where only one should exist, given the two names and separate entrances.
4. A new live music venue in the basement with cover charges and scheduled performances operating under a different name/moniker is wholly inappropriate in a residential neighborhood with R6 zoning and all the characteristics of a residential neighborhood including narrow streets and ground floor apartments in adjoining buildings.
5. The original application for the RW included a sidewalk café. It was pointed out to the Applicant that this location is *not eligible* to have a sidewalk café because it is located within an R6 residential zoning in which sidewalk cafes are not allowed. The applicant went ahead at that time and instead of a sidewalk café which he could not have, he illegally placed 4 benches along the Gay Street Façade that include 17 seats, ( this is twice the number of seats he originally applied for in a sidewalk café). He does not have a revocable consent from the Department of Transportation to have any sidewalk benches. This is a residentially zoned area with ground floor apartments and these Benches are highly inappropriate even to the casual observer. These benches occupy the entire Gay street façade. Behind the benches are the large illegally opening windows, which are always open when the weather is nice. If the façade were longer there would undoubtedly be even more benches.
6. Prior to opening, the applicant improperly/illegally and knowingly altered two very large plate glass non operable windows facing gay street to convert them from non-operable plate glass windows to huge operable windows – the Licensee was aware that this was a landmark district prior to this change – they were issued a violation by the NYC Landmarks Commission on 12/31/2013 for "Alterations of 1st floor windows at Gay Street facade without permit(s)." This violation has not yet been corrected. Additionally these illegal windows which are not supposed to open are kept open any time the weather is agreeable at all hours creating quality of life issues.
7. Prior to opening, the applicant also knowingly improperly replaced the Gay Street façade – they were issued a violation by the NYC Landmarks Commission on 12/31/2013 for - "Replacement of storefront at Gay Street facade without permit(s)." This violation has not yet been corrected.
8. Prior to opening the applicant knowingly added awnings again in a landmark district – they were issued a violation by the NYC Landmarks Commission on 12/31/2013 for "Installation of awnings at Gay Street facade without permit(s)." This violation has not yet been corrected.
9. CB2, Manhattan takes violations of Landmarks regulations seriously as these designations help protect the historical character of our community, embody what our community looks like and are the root of why the residential portions of our community such as this area are highly sought after areas to live, because the unique historical character here is recognized and protected. The intersection of Gay Street and Christopher Street is the embodiment of why this historic area is world-renowned. For someone to knowingly make such drastic changes while trying to do so undetected is an affront to our Community in CB2, which is home to a significant portion of the landmarked districts in New York City.
10. The operator originally stated in July 2013 that he would close his illegal windows at midnight even though he would have scheduled live music in the establishment several days a week. It is inappropriate to have live music in an open-air environment with large open windows in a Residential District. The live music is now in the basement, but regardless of whether there is

any music, it is inappropriate in a residential district to keep any illegally converted windows open. At the time, the operator stated he could not close his illegal windows before midnight because in order to close the windows he would need to move tables and chairs where customers would be sitting.

11. It is simply mind boggling that in what the Licensee wants to be a live music venue, he would remove an existing vestibule with doors at each end that would keep the sound in and replace that with just one door.
12. There are approximately 23 On-Premise Liquor Licenses within 500 feet of this location. In contrast, this is a quiet residential side street. Gay Street is a gem world renowned for its character and ambiance. It is one of a handful of narrow one-block streets in NYC. The Greenwich Village Society for Historic Preservation calls gay St “one of the quaintest and most intriguing streets in the West Village” and “one of the Village’s most charming and literary streets.” A live music venue through these alterations is not appropriate here.
13. There are plenty of coffee shops in the area and there are numerous bistros and numerous places with full liquor licenses all offering varying combinations of what this Licensee presents as unique; there are also plenty of live music venues, some even in basements in appropriately zoned areas.
14. Music venues with live music and scheduled show times, cover charges attract a late night clientele that linger and smoke on the sidewalk creating noise and this is a residential community. This alteration would de-facto create that situation.
15. The existing premise has sound problems and music leakage is regularly heard as several residents testified. If the accompanying alteration application to change seating the basement is approved, it will only expand this problem, especially the removal of the double doored vestibule and by placing the stage next to the now door.
16. The addition of the live music venue through this alteration makes this a de-facto destination location in a residential neighborhood, adding full liquor again just exacerbates the situation and increases vehicular traffic for those who take for hire cars because they are unfamiliar with the named streets in Greenwich Village that do not run on a Cardinal axis; and,
17. The current hours of operation for this coffee shop are beyond what most coffee shops operate in the West Village who also have beer and wine licenses, which would beg the question as to how the “late night operation” with live music, scheduled performances and open windows would operate and the quality of life impact this would have. Several residents who live across the street highlighted to this very problem. These alterations only exacerbate this issue.
18. CB2 does not believe that waiving the requirement for having two bathrooms is appropriate as the number of customers transiting through “coffee shops/bistros” is very high, and as is well known, many customers do use the restroom facilities and having only one restroom is not beneficial to the establishment or to the public in general given the lack of public restrooms in New York City and in this area specifically. This is especially inappropriate if the Licensee continues to use the illegal benches in addition to the two floors of interior seating. It is also inappropriate if the only bathroom is in the basement.
19. While the operator provided pictures to accompany the application, no pictures were offered with views of the huge open windows and the 4 illegal benches and in fact, great lengths were gone to capture angles that did not show the operable windows or the illegal benches. It is unclear what other sleight of hand materials have been presented regarding the alteration.

**Whereas**, several local residents who live immediately next door and across the street appeared and written correspondence from neighbors who live next door and across the street was received; the testimony which also addressed the accompanying upgrade application cites the residential character of the neighborhood is inappropriate for what is now a continually morphing coffee shop that would now like a full liquor license with a basement live music venue; that another licensed establishment that the Licensee owns and operates around the corner, Olio (SN1239338), has flagrantly violated New York

City Sidewalk Café Laws in the past until they received violations by both operating their sidewalk café well beyond the hours mandated by law and by having many more tables and chairs than allowed on their sidewalk café license and for placing tables and chairs in front of other establishments beyond their licensed area after those establishments have closed, namely the flower shop next door; it was also pointed out that at this establishment, the subject of this application on Gay Street, the Licensee was doing the same thing with 4 illegal benches and 19 seats creating an open air patio on the public sidewalk illegally; that the premises has increased the noise and traffic in the area and in particular the illegal operable windows which are open late into the evening and this forces people who live in the immediate area to essentially have this operator and their patrons in their living rooms and bedrooms; that sound leakage from the basement travels directly into the apartments across the street already and these changes are beyond the pale, that the illegal benches are essential a breach of the trust of the public space known as the sidewalk and street and that while this may be a legal use for the interior of this commercial space this is still first and foremost a residential neighborhood that is mostly quiet and free from the hustle and bustle of the nearby avenues and upgrading would certainly add to the foot traffic and noise and is counter productive to the character of the neighborhood; and,

**Whereas**, CB2, Man. had originally requested that the applicant in July 2013 re-envision his plan for the business in terms of operating within a residentially zoned community and requested that they return to CB2, Manhattan at a later date with an accurate completed CB2 Questionnaire and a copy of their application to the Liquor Authority reflecting that information, but instead the Licensee chose to avoid the community board, simply mailed updated materials reflecting changes they had made to their application to the SLA that they were aware only exacerbated the situation and went directly to the Liquor Authority;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of the alteration application as presented for the existing restaurant wine license for **Whynot My Way, LLC d/b/a Whynot Coffee, 14 Christopher St. 10014** with several specific exceptions as noted; and,

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. respectfully requests that this item be placed on the calendar at a future Full Board meeting of the Liquor Authority in order for the Commissioners to review this matter and hear from directly impacted neighbors prior to making a final determination; and,

**THEREFORE BE IT FURTHER RESOLVED** that CB2 Man. respectfully requests that the Liquor Authority consider **imposing the following conditions on the existing restaurant wine license SN#1272603** (not on the upgrade request which CB2 opposes), irrespective of any other determinations as the Licensee never appeared in its current iteration before CB2:

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

Vote: Unanimous, with 49 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



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

## COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE  
NEW YORK, NY 10012-1899

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

November 25, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on November 20, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **19. Berrak NYC, LLC, d/b/a The Classic or Nighthawks , 679 Greenwich St. 10014 (New RW)**

**Whereas**, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a new restaurant wine license for a family owned Mediterranean restaurant; and,

**Whereas**, this application is for a new restaurant wine license located in a mixed use building in a residentially zoned district (R6) located on the ground floor on the Northeast Corner of Greenwich St and Christopher St for a roughly 1,000 sq. ft. premise with 17 tables and 40 seats and 1 bar with 10 seats, for a grand total of 50 seats, there is no sidewalk café included in this application (and it appears a sidewalk café would be precluded by the underlying zoning) and there are no other outdoor areas for patrons, there is an existing Certificate of Occupancy issued by the NYC Department of Buildings; and,

**Whereas**, the hours of operation will be Sunday to Wednesday from 7 AM to 12 AM and Thursday to Saturday from 7 AM to 2 AM (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there are no operable French doors or operable windows, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no T.V.'s, there will be no use by patrons of the basement; and,

**Whereas**, the applicant executed a stipulations agreement with CB2 that they agreed would be attached and incorporated into the method of operation on the new restaurant wine SLA license stating that:

1. This application is for a new restaurant wine license.
2. Premises will be advertised and operated as a full service Mediterranean restaurant.
3. A full food menu will be available at all times and the kitchen shall remain open and menu items available until closing every night.
4. The hours of operation are Sunday to Wednesday from 7 AM to 12 AM (midnight) and Thursday to Saturday from 7 AM to 2 AM. No patrons will remain after closing time.
5. Premises will not operate as a nightclub, disco or lounge and will not seek a Department of Consumer Affairs Cabaret License.
6. There is no backyard garden.
7. There is no sidewalk café.
8. Sufficient soundproofing is already installed.
9. All doors and windows will be closed at all times except for ingress and egress.
10. There will be no French doors or windows. There are no operable windows.
11. There will be no DJs, live music, promoted events, any events at which a cover is charged or scheduled performances.
12. There will be no televisions.
13. This will be a restaurant operation only (full-service restaurant until close).

**Whereas**, while the 500-ft. rule is not applicable for this Restaurant Wine License, there are 10 licensed On-Premise Liquor Licenses located within 500 ft of this location; and,

**Whereas**, while it is not applicable for this Restaurant Wine License, this location is located well within 200 ft. of the Church of St. Veronica located at 149-155 Christopher St., which is a part of the Arch Diocese of NY;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of a new Restaurant Wine License for **Berrak NYC, LLC, d/b/a The Classic or Nighthawks , 679 Greenwich St. 10014 unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 4<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 49 Board members in favor.



David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



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

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November 25, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on November 20, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **20. 5 Ninth Avenue, LLC, d/b/a Rosario, 5 Ninth Avenue 10014 (New OP)**

**Whereas**, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a new Restaurant On-Premise Liquor License for an Upscale Latin Restaurant with Bar and Lounge as described in detail in materials presented by the applicant, a detailed mission and concept statement was provided and will be adhered to; and,

**Whereas**, this application is for a new Restaurant On-Premise Liquor License in a premises that had been previously licensed several years ago; it is located on Ninth Avenue on the West side between Gansevoort St. and Little West 12<sup>th</sup> St. in a three story (plus basement) building in a mixed use primarily commercial neighborhood for a restaurant with bar and lounge on the first through third floors with a kitchen in the basement, the 1<sup>st</sup> floor will have 1 standup bar with 15 seats and 15 additional seats and 1 table, the 2<sup>nd</sup> floor will have 11 tables and 36 seats and 1 standup bar with no seats, the 3<sup>rd</sup> floor will have 8 tables and 26 seats and 1 standup bar with 10 seats; the total number of seats including bar seats in the premises will be 102, there will be three standup bars total; there is an existing certificate of occupancy which indicates the interior of the building may be used for patrons on the 1<sup>st</sup> through 3<sup>rd</sup> Floors, but there is no Place of Assembly Permit in place; The operator will amend the certificate of occupancy as necessary and will obtain a Place of Assembly Permit; there are no outdoor areas included in this application, specifically the rear yard is not included and there is no sidewalk cafe; and,

**Whereas**, the hours of operation will be Sunday from 11 AM to 12 AM, Mon –Tuesday from 4 PM to 12 AM, Wednesday from 4 PM to 1 AM, Thursday from 4 PM to 2 AM, Friday from 4 PM to 2 AM and Saturday from 11 AM to 2 AM (at closing time on all nights as indicated, no patrons shall remain on the premises); interior music levels on Sunday to Thursday will be low-level background music

with no bass, on Friday and Saturday there may be low to mid level entertainment music with little to no bass; all music will be set at decibel levels agreed to with the local block association after sound tests; in addition, no music shall be audible at any time at all 20 feet from the building line, this will be utilized as a simple standard by both premises staff and community members so there is no confusion or need for a complicated process to determine if the premises is in compliance, music may be generated from ipods or cds or from DJ's, there will be no promoted events or use of outside promoters, there will be no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**Whereas**, the applicant performed diligent community outreach and met with local residents to discuss their concerns and modified the proposal substantially; and,

Whereas, several local residents appeared and testified before CB2, while none were particularly enthused to support the application and reminded CB2 of the existing conditions within the Meatpacking Area of which this is the epicenter, they did request that the hours Sunday to Wednesday be no later than midnight and that an easily implemented sound measurement standard be used (as described – music not audible 20 ft from building line); the applicant agreed to both requests and the residents were satisfied and not in opposition; and,

**Whereas**, the applicant is experienced and while this is his first licensed premises in New York, he is experienced in running similar venues in Miami where he has been involved in 10 licensed premises; and,

**Whereas**, the applicant executed a stipulations agreement with CB2, Man. that they agreed would be attached and incorporated in to the method of operation on the new Restaurant On-Premise Liquor License stating that:

1. Hours of Operation (at closing time on all nights as indicated below, no patrons shall remain on the premises):
  - Sunday: 11 AM to 12 AM
  - Mon -Tuesday: 4 PM to 12 AM
  - Wednesday: 4 PM to 1 AM
  - Thursday: 4 PM to 2 AM
  - Friday: 4 PM to 2 AM
  - Saturday: 11 AM to 2 AM
2. The operator will operate the entire premises under one name only and will operate the entire premises as one complete unit connected throughout. There will not be separate names for different areas of the same premises. All patrons will enter and exit (except for emergency egress or ADA Compliance) through the front door on Ninth Avenue.
3. The premises shall operate as a Latin restaurant and bar at all times. A complete dinner menu (substantially the same as presented at the time of these stipulations) shall be available from 4 PM until 11 PM every night. The kitchen shall remain open and a late night food menu shall be available until close after 11PM. On days when the premises opens before 4 PM a lunch/brunch menu will be available from 11 AM to 4 PM. During brunch hours, there will be no “all you can drink” specials or “bottle service” with the exception of wine and champagne products.
4. There will be no outside areas included in this application either for the service of alcohol or for use by patrons.

5. Windows: All operable and non-operable windows shall remain closed at all times. In addition, as part of the sound proofing process, separate interior windows comparable to Citi Quiet Windows will be installed to prevent sound leakage on all windows facing Ninth Avenue and in the rear, if necessary.
6. Adequate soundproofing shall be installed throughout the premises during the build out process and after as necessary to ensure complete soundproofing. No music shall be audible at any time at all 20 feet from the building line. This will be utilized as a simple standard by both premises staff and community members so there is no confusion or need for a complicated process to determine if the premises is in compliance.
7. Interior Music Levels: Sunday to Thursday there will be low-level background music with no bass. Friday and Saturday there may be low to mid level entertainment music with little to no bass. All music will be set at decibel level agreed to with the local block association after sound tests. In addition, No music shall be audible at any time at all 20 feet from the building line. This will be utilized as a simple standard by both premises staff and community members so there is no confusion or need for a complicated process to determine if the premises is in compliance.
8. There will be no televisions.
9. The operator will not seek a New York City Department of Consumer Affairs Cabaret License. The operator will not permit dancing within the premises.
10. The Operator will at all times have all Permits and Certificates in effect and will not operate if any necessary permits are not in effect or expired. The operator will only operate after all appropriate Department of Building permits/certificates have been issued and are properly in effect, not limited to updating, if necessary, the Certificate of Occupancy and also obtaining a Place of Assembly Permit. The operator will not operate with permits that do not indicate the actual use of the premises. The premises will never be occupied by more persons than permitted by City Regulations.
11. The operator will not use outside promoters at any time. The operator will not promote bottle service at the door or as a condition of entry into the premises, especially on the weekends or during brunch hours. There will be an option for "bottle service," but it will be advertised on a menu provided to patrons.
12. Applicant shall assign at least one person ("Community Liaison") who will be available to speak with community members including the Block Associations and the local Police Precinct during normal weekday business hours concerning any matter related to compliance with the terms of these stipulations, or the general operations of the establishment. Further, Applicant shall provide a 24-hour access number for the Manager on Duty who shall be authorized to enforce the terms of these Stipulations. Applicant shall also participate in meetings with local Block Associations and the NYPD 6<sup>th</sup> Precinct, if requested by the CB, Block Association, or NYPD, on a monthly basis so as to address any concerns of the Community.
13. The operator shall at all times have adequate security as outlined and recommended in the NYPD New York Nightlife guidelines and as recognition of the nature of the multi-floor venue and stairs into the premises, there will be one extra security beyond the recommendation in order to monitor the entrance at all times. If necessary or requested by the 6<sup>th</sup> Precinct, an ID Scanner shall be utilized.
14. The operator shall have adequate security camera coverage as recommended by the NYPD of the premises and recordings will be maintained for the appropriate time periods and will be made available to the 6<sup>th</sup> Precinct when needed, in particular the bar area on the ground floor, other areas on each floor and all entrances and exits shall be carefully monitored and the operator will ensure all staff are trained in order to help mitigate and prevent grand larcenies or other thefts within the premises, in particular of bags, purses, wallets and phones. The operator will work directly with the 6<sup>th</sup> Precinct and train all staff and post any requested materials by the 6<sup>th</sup> Precinct in order to aid them in lowering the incident of thefts and to educate the public.

15. Applicant shall use all reasonable efforts to remedy all pedestrian and vehicle traffic issues known or brought to its attention, to the extent that it can do so legally. Efforts shall require, at a minimum:
  - a) Security personnel shall monitor vehicle and pedestrian traffic in front of the establishment and shall direct all patrons and vehicles to keep the areas clear and passable for pedestrians and other vehicles;
  - b) Security shall attempt to prevent or otherwise limit, to the extent legally possible, vehicle operators from double parking in front of or near the establishment;
  - c) Applicant shall post a sign near its exit instructing all patrons to respect its neighbor's and leave the area quietly. Security shall repeat this message to departing patrons;
  - d) Applicant shall instruct all employees to leave the area quietly after the establishment has closed;
  - e) Applicant shall instruct both patrons and vehicle operators to limit their volume to a reasonable level, and shall, to the extent reasonably possible, dissuade honking;
  - f) Applicant shall not use ropes or other barriers in front of the premises and shall take all reasonable measures to prevent any line from accumulating in front of the Restaurant;
  - g) Applicant shall either provide space inside the premises for patrons to queue/wait, or use a remote messaging service so that patrons can be notified when their table is ready.
16. Applicant agrees to notify Community Board 2 in advance of any change in ownership of the Company exceeding 70%. The Company shall be exclusively operated and managed by the Managing Member, that being Nicolas Hoyos or an entity wholly owned by Nicolas Hoyos. If the Managing Member is an entity wholly owned by Nicolas Hoyos, then the Applicant agrees to notify Community Board 2 in advance of any change in ownership in the Managing Entity. The Company shall also immediately notify Community Board 2 if Nicolas Hoyos or the Managing Entity, as the case may be, is no longer exclusively operating and managing the premises. The applicant agrees to notify Community Board 2 in advance of any change of the operation or management of the Company.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of a new Restaurant On-Premise Liquor License for 5 Ninth Avenue, LLC, d/b/a Rosario, 5 Ninth Avenue 10014 unless the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On-Premise Liquor License.

Vote: Unanimous, with 49 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



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

## COMMUNITY BOARD NO. 2, MANHATTAN

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

November 25, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on November 20, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **20. Blue, LLC d/b/a TBD, 101 Perry St. a/k/a 552-558 Hudson St. 10012 (New OP – previously unlicensed location)**

**Whereas**, the applicant appeared before the CB2's SLA Licensing committee to present an application for a new On Premise liquor license for a "Mediterranean seafood restaurant specializing in raw seafood, tartars as well as grilled seafood expertly prepared and served in a warm and convivial atmosphere"; and,

**Whereas**, the proposed premises is located in a mixed use building occupying the ground floor corner space on the Northeast Corner of Perry St. and Hudson St., the building is known 101 Perry St. for the residential portion of the building and as 552-558 Hudson St. for the commercial storefronts, the premises will be approximately 1,400 sq. ft. (900 sq. ft. on the ground floor for patrons and 500 sq. ft. in the basement for accessory use); there will be 18 tables and 44 table seats and 1 standup bar with 10 seats for a total of 54 seats, there is no sidewalk café included with this application or rear yard garden; the applicant stated that the maximum occupancy will be 74 or less people, there is an older Certificate of Occupancy which seems to allow the intended use; and,

**Whereas**, the hours of operation will be Sunday to Thursday from 11 AM to 12 AM and Friday to Saturday from 11 AM to 2 AM, no patrons will remain at closing, music will be ambient 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 dj's, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be private parties; there will be no TV's, soundproofing will be installed in the ceiling and other necessary areas, there are no operable windows, there is no rear yard garden; and,

**Whereas,** CB2, Man. notes that the applicant's presentation and materials submitted to CB2 did not show any sidewalk café, nor has the applicant appeared before CB2's Sidewalk Café Committee, yet the applicant indicates use of a sidewalk café on their application to the SLA; CB2, Man. requests that this not be considered by the SLA as notice for this area was not provided to CB2, Man.; and,

**Whereas,** the principals are principals in another licensed premises, Medi Wine Bar LLC, 811-813 9<sup>th</sup> Ave, New York, NY; and,

**Whereas,** the applicant did send a letter to a defunct block association, but did not contact the currently active block association, the West Village Residents Association; and,

**Whereas,** the applicant provided a petition with approximately 50 signatures, a number of which were from within a close radius of the premises, and

**Whereas,** this premises is subject to the 500-foot rule; there are 20 On Premise Liquor Licenses within 500 feet and 6 Beer & Wine License within 500 ft.; and

**Whereas,** there are already two licensed premises within the same building, WXOU Radio OP SN1217229 and Sushi West RW1236118; and,

**Whereas,** this location was until very recently a Dry Cleaner, and has not previously been licensed; and,

**Whereas,** from testimony provided by the applicant, it appears as if the building owner is rebuilding this storefront in order to be a eating and drinking establishment; and,

**Whereas,** the President of the West Village Residents Association and 5 other residents who reside on Hudson Street and Perry Street directly across from the premises appeared in strong opposition to this specific application; and,

**Whereas,** a petition in opposition to the liquor license, which was only recently started was presented in opposition with approximately 50 signatures, includes a number of comments articulating opposition and lack of public benefit; and,

**Whereas,** the Residents Association and members of the community in opposition testified that **(1)** there are already far too many licensed eating and drinking uses in the immediate area (20 OP and 6 RW within 500 ft.) **(2)** there are already two licensed premises in the same building **(3)** that continuing to license more spaces was no longer in the public interest because of the deleterious effect on quality of life and the lack of stores which specifically service the neighborhood such as dry cleaners, etc. **(4)** licensing additional premises in this immediate area is having a terrible impact on the diversity of retail in the neighborhood and the underlying zoning in this area is specifically for diverse uses which serve the immediate residential community **(5)** the character of the Community which is also important to create an environment that fosters local residents to shop in the neighborhood is being impacted by over-licensing which is taking away from the charm of the West Village, which is world renowned for its diversity, **(6)** it was pointed out that the layout of the restaurant was much more of that of a wine bar and additionally that neither a seafood restaurant or wine bar were unique to the area or added to any dining choices not already present **(7)** it was also pointed out that by continuing to license restaurants such as this which on their face appear to be low impact, this is actually starting to harm other long established small licensed premises because there is not enough local business Sunday to Tuesday to generate a profit **(8)** there was tremendous concern that because of the layout, should the food concept, which is not particularly unique, fail, the neighborhood would be saddled with yet another OP license

with hours past midnight that only encourages further late night drinking on weekends by transients who create quality of life issues and noise and traffic issues (9) there was also concern that the late weekend hours, irrespective of the food service, would encourage late night drinking (10) it was pointed out that there were a number of vacant restaurants within 4 or 5 blocks that would be better suited (11) and, finally, it was also pointed out that this application would most likely be followed by an application for a sidewalk café which would further add to noise and congestion and create a larger premises by adding more seating; and,

**Whereas**, the applicant's attorney responded that area was becoming a fine dining destination, that the diversity of stores was changing to that need and that this restaurant would be run by experienced restaurateurs and that the operating hours until midnight during the week and 2 AM on the weekends were normal dining hours; and,

**Whereas**, in response to the applicants' attorney, 3 of the residents in attendance stated that they owned their respective buildings and one chose to rent to a flower shop and another to an antique shop which were very much in keeping with the local neighborhood's character and there were plenty of other viable tenants other than licensed premises that could fill the location and that all the fine dining establishments without a separate bar business all closed by 11 during the week and midnight on the weekends in the immediate area; and,

**Whereas**, there are approximately 20 On-Premise Liquor Licenses within 500 feet of this location, this location is subject to the "500 Ft Rule" and no exceptions appear to apply and therefore CB2, Man. respectfully requests that a "500-ft." hearing be conducted and that this resolution be entered into the record;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of an On Premise license for **Blue, LLC d/b/a TBD, 101 Perry St. a/k/a 552-558 Hudson St. 10012 (New OP).**

Vote: Unanimous, with 49 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



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

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

November 25, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on November 20, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**THE FOLLOWING ARE RESOLUTIONS FOR ALL APPLICANTS THAT WERE LAID OVER, WITHDRAWN, OR WHO DID NOT APPEAR BEFORE CB2 AS REQUESTED:**

**21. BGH Dining, Inc. d/b/a Jinya Ramen fka Shuka Dining Bar, 24 Greenwich Ave. 10011 (Corporate Change – RW Layover)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on November 13<sup>th</sup>, 2014, the applicant's attorney requested to **layover** this application for a new restaurant wine license or corporate change for an existing license at this location and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license **for BGH Dining, Inc. d/b/a Jinya Ramen fka Shuka Dining Bar, 24 Greenwich Ave. 10011** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 49 Board members in favor.



David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
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November 25, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on November 20, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **22. Delice & Sarrasin, LLC, 20 Christopher St. 10014 (New RW)**

**Whereas**, the applicant **FAILED TO APPEAR without Prior Notice** before CB2, Manhattan's SLA Licensing Committee Meeting on November 13th, 2014, after having been requested to do so, in conjunction with a 30 Day Notice to CB2, Man. for a new Restaurant Wine or Beer & Wine License in a previously unlicensed location located within a residentially zoned district;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Delice & Sarrasin, LLC, 20 Christopher St. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2, Man. 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 49 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
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November 25, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on November 20, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **23. Tea and Sympathy, Inc., 108 Greenwich Ave. 10011 (New RW)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on November 13<sup>th</sup>, 2014, the applicant's attorney requested to layover this application for a new restaurant wine license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Tea and Sympathy, Inc., 108 Greenwich Ave. 10011** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 49 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
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November 25, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on November 20, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **24. Oaxaca Taqueria, 48 Greenwich Ave. 10011 (New RW)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on November 13<sup>th</sup>, 2014, the applicant's attorney requested to layover this application for a new restaurant wine license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Oaxaca Taqueria, 48 Greenwich Ave. 10011** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2, Man. 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 49 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
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November 25, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on November 20, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**25. Toby's Coffee West Village LLC, d/b/a Toby's Estate Coffee West Village, 44 Charles St. 10014 (New Eating Place Beer – previously unlicensed)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on November 13<sup>th</sup>, 2014, the applicant's attorney requested to **layover** this application for a new eating place beer license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed eating place beer, on premise liquor license, beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Toby's Coffee West Village LLC, d/b/a Toby's Estate Coffee West Village, 44 Charles 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, Man. 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 49 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Terri Cude, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
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November 25, 2014

Director  
Licensing Issuance Division  
NY State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on November 20, 2014, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **26. Oppa Corp., 162 West 4th St. 10014 (New OP/Transfer – Currently Licensed)**

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on November 14th, 2014, the applicant and the applicant's attorney requested to layover this application for a transfer/new restaurant on-premise liquor license in order to properly perform community outreach and meet with the local block association;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed new/transfer on premise liquor license, tavern wine license, restaurant wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Oppa Corp., 162 West 4th St. 10014** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2, Man. 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 49 Board members in favor.

Please advise us of any decision or action taken in response to this resolution.

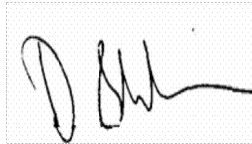
Sincerely,



Robert Ely, Co-Chair  
SLA Licensing Committee  
Community Board #2, Manhattan



Carter Booth Co- Chair  
SLA Licensing Committee  
Community Board #2, Manhattan



David Gruber, Chair  
Community Board #2, Manhattan

DG/EM

cc: Hon. Jerrold L. Nadler, Congressman  
Hon. Nydia Velasquez, Congresswoman  
Hon. Sheldon Silver, NY State Assembly Speaker  
Hon. Deborah J. Glick, NY State Assembly Member  
Hon. Brad Hoylman, NY State Senator  
Hon. Daniel L. Squadron, NY State Senator  
Hon. Gale Brewer, Man. Borough President  
Hon. Corey Johnson, Council Member  
Hon. Margaret Chin, Council Member  
Hon. Rosie Mendez, Council Member  
Pauline Yu, CAU  
Kerri O'Brien, Deputy Commissioner of Licensing NY State Liquor Authority  
Michael Jones, Deputy Chief Executive Officer, NY State Liquor Authority  
SLA Examiners