

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



Antony Wong, *Treasurer*  
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Erik Coler, *Assistant Secretary*

## Community Board No. 2, Manhattan

3 Washington Square Village  
NEW YORK, NY 10012-1899  
[www.cb2manhattan.org](http://www.cb2manhattan.org)

P: 212-979-2272 F: 212-254-5102 E: [info@cb2manhattan.org](mailto:info@cb2manhattan.org)  
Greenwich Village ✦ Little Italy ✦ SoHo ✦ NoHo ✦ Hudson Square ✦ Chinatown ✦ Gansevoort Market

May 26, 2017

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 May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**1. Viejo Group LLC, d/b/a Air's Champagne Parlor, 127 MacDougal St. 10012 (TW—Corporate Change)**

**A. Whereas**, the Applicant and her Attorney appeared before Community Board 2, Manhattan's SLA Licensing Committee to present a corporate change application for an existing Tavern Wine license SN# 1220699 changing ownership in an existing corporation so that new shareholders (Ariel Arle and Ritu Kapoor) will have 100% ownership of the existing corporation; and

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

**C. Whereas**, in the current application, like the others, the applicant insists on operating until 4AM seven nights a week as a champagne parlor on the first floor and Japanese style lounge in the basement premises within a landmarked 2.5-story Federal Style townhouse (circa 1828) building on MacDougal Street between West 3<sup>rd</sup> Street and Washington Square; and

**D. Whereas**, the total licensed premises is 1200 s.f. (ground floor 700 s.f. and basement 500 s.f.) with one bathroom only and the premises does not have a full service kitchen; and

**E. Whereas**, the Applicant failed to provide any certificate of occupancy or letter of no objection from the NYC Building Department which permits the premises and basement to operate as an eating and drinking establishment, there being no permits in place for this purpose; and

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

**G. Whereas**, since 2006 the two-story premises was previously operated as the “Tea Spot” without any liquor license but thereafter sought and obtained the existing Tavern Wine license in 2009 and prior to 2009 there had never been any license to sell alcohol at these premises; and

**H. Whereas**, the applicant seeks hours of operation until 4AM every night and refuses to reduce those hours or discuss other stipulations which would stop the service of beer and wine after midnight, the Applicant and her Counsel stating that they will just go directly to the NYS SLA because the NYS SLA will grant the TW license regardless of the concerns of the Community and CB2 Man. and despite the significant and valid concerns raised about adding another 4AM license in a neighborhood already significantly saturated with liquor licenses and late night bars, there being 64 existing liquor licenses within 750 feet of the subject premises and there is no public interest for adding yet another 4AM license and Bar in a historic landmarked building for no compelling reasons; and

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** for **Viejo Group LLC, d/b/a Air’s Champagne Parlor, 127 MacDougal St. 10012** on its application for a corporate change application; and,

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

Vote: Unanimous, with 33 Board members in favor.

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317 Lenox Avenue  
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**2. 205 Thompson Street, LLC, d/b/a Toloache to Reopen as Yerba Buena Cantina, 205 Thompson St. 10012 (OP – Alteration Application)**

**A. Whereas**, the applicant and his attorney appeared before CB2's SLA Committee for the purpose of seeking an alteration to an existing liquor license to add a second bar on the second floor of its existing premises while continuing to operate a restaurant serving Mexican fare within a 3000 sq. ft. (1000 sq. ft. for each level, ground floor, second floor and basement—no patron service in basement) two-story premises located in a mixed use, four-story building on Thompson Street between West Third and Blecker Streets in a landmarked historic district of Greenwich Village; and,

**B. Whereas**, the restaurant has been open and operated for just over four years as Toloache and plans to reopen as Yerba Buena Cantina albeit with the same ownership and the same method of operation as a full service restaurant, the only change being the addition of a second stand up bar located on the second floor of the premises; and,

**C. Whereas**, the existing premises has French doors on the first floor and operable windows on the second floor, with 12 tables and 32 seats and 1 bar with 9 seats on the ground floor, 14 tables with 46 seats and 1 bar with no seats on the second floor for a total patron seat capacity of 87, there will be no sidewalk café or any other outdoor service of alcohol; and,

**D. Whereas**, the hours of operations will continue to be Sunday through Saturday from 12 PM to 12 AM, there will be no TVs, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all windows on the second

floor will be closed by 9 PM every night and all doors and windows on the ground floor will be closed by 10 PM, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

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

1. The premises will be advertised and operated as a full service Mexican Restaurant.
2. The hours of operation will be from 12 PM to 12 AM Sunday through Saturday.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have two televisions on the ground floor only.
5. The premises will not permit dancing.
6. The premises will play quiet ambient recorded background music on the ground floor only.
7. There will no music on the second floor.
8. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. All windows on the second floor will close every night by 9PM.
10. All doors and windows on the first floor will be closed by 10 PM every night.
11. There will be no pitchers of beer and no all you can eat/drink specials or boozy brunches; and

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of the Restaurant Wine application to **205 Thompson Street, LLC, d/b/a Toloache to Reopen as Yerba Buena Cantina, 205 Thompson St. 10012** unless the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the On Premise License.

Vote: Unanimous, with 33 Board members in favor.

Terri Cude, Chair  
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317 Lenox Avenue  
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Dear Sir/Madam:

At its Full Board meeting on May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**3. South Village Hospitality Group, LLC, d/b/a Carroll Place, 157 Bleecker St. 10012 (*OP Bar-extend SWC hours to midnight and 1 AM*)**

**A. Whereas**, the applicant appeared before CB2, Manhattan's SLA Licensing Committee for an alteration to an existing On Premise license to extend its late night hours to serve alcohol at its existing sidewalk café until midnight Sunday through Thursday and until 1 AM on Saturdays and Sundays; and

**B. Whereas**, the applicant currently operates a full service late night Bistro/Club until 4 AM with Cabaret in a 5,500 sq. ft. premise (2,200 sq. ft. ground floor and Basement and 1,100 sq. ft. mezzanine) with 54 tables and 140 seats and 1 bar with 20 seats for a total of 170 seats in a mixed use building located in a historic district of Greenwich Village on Bleecker Street between Thompson and Sullivan Streets; and

**C. Whereas**, when the applicant originally appeared before CB2, Man. seeking its existing On Premise license in July/2012, resulting in a deny/unless approval to its existing On Premise license albeit limited and subject to a stipulations agreement for the sole purpose of attempting to establish a public interest within the existing Community as required by the 500-ft. rule, at which time the applicant represented and stipulated that there would be no sidewalk café in the future at the premises; and

**D. Whereas**, despite that promise and agreement made by applicant on the pretext that the additional adverse impacts of a sidewalk café would not be a part of existing club, the sidewalk in front of the premises being very congested with a heavy saturation of late night establishments in the

immediate vicinity, the applicant misrepresented his true intentions in order to secure a liquor license in 2013 and thereafter applied in October/2015 to add a sidewalk café, that secondary alteration application in October/2015 resulting in an unanimous recommendation from CB2, Man. to deny the alteration; and,

**E. Whereas**, despite the recommendation from CB2, Man. to the NYS SLA, the NYS SLA still approved the alteration application to add a sidewalk café, but due to the extensive opposition, the existing sidewalk congestion thereat and the inappropriateness of a late-night sidewalk café to an establishment already creating a late night impact on the surrounding neighborhood until 4 AM, the NYS SLA permitted the sidewalk café but limited the hours requiring it to close by 10 PM every night; and,

**F. Whereas**, the previous measurement and consideration by CB2, Man. to recommend approval of the existing on-premise license in 2013 was based upon the applicant's original representations that there would be no sidewalk café or outdoor service at the premises, where the over-all impact of such a large business operation in a mixed-use, historic area was already deemed to be a significant impact on the surrounding community, especially in that there are many other similar type late-night establishments on the same block and immediate area to this business, there being 49 other existing on premise liquor licenses within 500 ft. of the applicant's premises, the premises being located in an area of CB2 that is the most greatly saturated with liquor licenses and late night venues; and.

**G. Whereas**, the applicant provided no valid reason for use of a sidewalk café at a business operation whose predominant operation is to sell alcohol with music that can be loud at entertainment levels which should be enclosed at all times; and

**H. Whereas**, service to the sidewalk café after 10 PM is entirely inappropriate given the operators current method of operation whose profit is based primarily on the sale of liquor to patrons and includes late night noisy operations with loud, entertainment levels of music; and,

**I. Whereas**, the licensee has violated its existing stipulations agreement with CB2, Man. by leaving its large doors and sliding window open during the day while also playing entertainment levels of music out onto the public sidewalk and by failing to close its doors and large window by 10 PM every night to prevent late night disruption on the other local merchants and residents living and operating in the surrounding area; and

**J. Whereas**, the Licensee has never provided any documentation from the New York City Department of Buildings indicating that the kitchen located in the basement of the premises has been properly certified for use; the existing letter of no objection dated March 2008 only references the ground floor of the premises; there is no current application for a new Certificate of Occupancy which has not yet been completed; and

**K. Whereas**, the additional service to an outdoor café at the subject premises after 10 PM will have a significant, unreasonable impact and greatly affect the quiet enjoyment of surrounding residential neighbors, will cause further congestion later at night on an already highly congested sidewalk, will infringe upon and/or have an unreasonable impact on the quality of life of neighbors and other merchants alike to an existing neighborhood that is greatly saturated with liquor licenses and late night establishments;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** for **South Village Hospitality Group, LLC, d/ b/a Carroll Place, 157 Bleecker St. 10012** on its application for an alteration to extend its late night hours of operation to its sidewalk café; and,

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. respectfully requests that Liquor Authority place this matter before the Full Board of the New York State Liquor Authority for consideration at a regularly scheduled meeting should this application be presented to the Liquor Authority so that the Commissioners may review the recommendation of CB, 2 Man.

Vote: Unanimous, with 33 Board members in favor.

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May 26, 2017

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 May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**4. Angel NYC, Inc., d/b/a TBD, 124 MacDougal St. 10012 (RW – Beer Bar)**

**A. Whereas**, the applicant and his attorney appeared before Community Board 2, Manhattan's SLA Licensing Committee to present an application to the Liquor Authority for a new Tavern Wine license to operate a European Style Beer Bar within a ground floor storefront located in a four-story mixed use building on MacDougal Street between West Third and Bleecker Streets in a Historic District of Greenwich Village; and,

**B. Whereas**, the premises was previously operated as a Tavern known as 124 Rabbit Club with a Tavern Wine license, the applicant is not planning to make any significant changes to the interior or exterior of the premises, the method of operation being consistent with the prior operation, there being a certificate of occupancy (maximum occupancy 20 persons) presented permitting retail use and occupancy, use group 6 thereat; and,

**C. Whereas**, the storefront premises is only approximately 330 sq. ft., there is no full service kitchen, one patron bathroom, one bar with 17 patron seats and 1 table with 3 patron table seats for a total patron seating capacity at 20, there will be no sidewalk café and no other outdoor areas for service to patrons; and,

**D. Whereas**, the hours of operation will be from 5 PM to 2 AM Sunday through Saturday, there will be no TVs, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at all times and every night and there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,



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

1. The premises will be advertised and operated as a Beer Bar.
2. The hours of operation will be from 5 PM to 2 AM Sunday through Saturday.
3. The premises will not operate as a sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have no televisions.
5. The premises will not permit dancing.
6. There will be sandwich boards or A-Frames on the public sidewalk.
7. The premises will play quiet ambient recorded background music only.
8. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The operator will not install French doors, operable windows or open facades and will close at existing doors and windows at all times.
10. There will be no all you can eat/drink specials; and

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

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the Restaurant Wine application to **Angel NYC, Inc., d/b/a TBD, 124 MacDougal St. 10012** unless the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the Tavern Wine License.

Vote: Unanimous, with 33 Board members in favor.

Terri Cude, *Chair*  
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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 May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**5. West 3rd Street Coffee Corp. d/b/a Irving Farm Coffee Roasters, 78 W. 3<sup>rd</sup> St. 10012**  
(Restaurant Wine—previously unlicensed location)

**A. Whereas**, the applicant and the applicant's attorney appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a new Tavern Wine license to operate a coffee shop and cafe in a recently renovated storefront location previously operated as a Laundromat and Deli, the storefront being within a 4-story mixed-use building (Circa 1901) on the corner of Sullivan and West 3<sup>rd</sup> Streets in a Landmarked Historic District of Greenwich Village; and

**B. Whereas**, the applicant has submitted a certificate of occupancy which permits eating and drinking on the ground floor premises with a maximum occupancy of 70 persons with storage only occupancy in the basement, there are doors installed along the Sullivan Street side but per Applicant are "permanent" and "do not open"; and,

**C. Whereas**, the storefront premises is approximately 1,800 Sq. ft., there being one entrance to the premises located at the corner of Sullivan and West Third, one patron bathroom, the addition of soundproofing to protect the residences located immediately above the storefront premises, one counter with no patron seats, 26 tables with 68 patron seats for a total patron seating capacity at 68, there will be no sidewalk café and no other outdoor areas for patrons; and,

**D. Whereas**, the hours of operation will be from 7 AM to 11 PM Sunday through Saturday, there will be no TVs, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at all times, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

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

1. The premises will be advertised and operated as a coffee shop and cafe.
2. The hours of operation will be from 7 AM to 11 PM Sunday through Saturday.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have TVs.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden, sidewalk cafe or any outdoor area for commercial purposes.
7. Soundproofing will be installed and the premises will play quiet ambient recorded background music only.
8. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The premises will close all doors and windows at all times. There will not be French doors, operable windows or open facades.
10. There will be no pitchers of beer, "boozy brunches" and no all you can eat/drink specials.

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

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of the Restaurant Wine application to **West 3rd Street Coffee Corp. d/b/a Irving Farm Coffee Roasters, 78 W. 3<sup>rd</sup> St. 10012** unless the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the Restaurant Wine License.

Vote: Unanimous, with 33 Board members in favor.

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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 May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**6. Karakatta, LLC, d/b/a N/A, 230 Thompson St. 10012** (Restaurant Wine—previously unlicensed location)

**A. Whereas**, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a new Restaurant Wine license to operate a Japanese Ramen Restaurant within a ground floor storefront located in a 6 story mixed use building (Circa 1900) located on Thompson Street between West 3<sup>rd</sup> and Bleecker Streets in a Historic District of Greenwich Village; and,

**B. Whereas**, the premises was previously operated as a Pluck U chicken wing take out restaurant and was not previously licensed for the service of alcohol with all exterior facades (windows and doors) remaining fixed and not operable and there not being a certificate of occupancy or letter of no objection presented from the NYC Dept. of Buildings permitting eating and drinking at the ground floor location; and,

**C. Whereas**, the storefront premises is approximately 600 Sq. ft., one patron bathroom, one food counter with 9 patron seats, 5 tables with 13 patron table seats for a total patron seating capacity at 22, there is no sidewalk café and no other outdoor areas for patrons; and,

**D. Whereas**, the hours of operation will be from 10 AM to 11 PM Sunday through Thursday and from 10 AM to 12 AM Fridays and Saturdays, there will be no TVs, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed except for patron ingress and egress, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

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

1. The premises will be advertised and operated as a fast casual Japanese Ramen Restaurant with take-out services.
2. The hours of operation will be from 10 AM to 11 PM Sunday through Thursday and from 10 AM to 12 AM Fridays and Saturdays.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have no televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden, sidewalk cafe or any outdoor area for commercial purposes.
7. The premises will play quiet ambient recorded background music only.
8. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The premises will not have French doors, operable windows or open facades and will keep all doors closed except for patron ingress and egress.
10. There will be no pitchers of beer and no all you can eat/drink specials or boozy brunches; and

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

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the Restaurant Wine application to **Karakatta, LLC, d/b/a N/A, 230 Thompson St. 10012** unless the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the Restaurant Wine License.

Vote: Unanimous, with 33 Board members in favor.

Terri Cude, *Chair*  
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Dear Sir/Madam:

At its Full Board meeting on May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**7. BAB Food, LLC, d/b/a TBD, 130 W. Houston St. 10012 (aka 168 Sullivan St) (RW – Restaurant)**

**A. Whereas**, the applicant and his attorney appeared before Community Board 2, Manhattan's SLA Licensing Committee to present an application to the Liquor Authority for a new Restaurant Wine license to operate a Restaurant specializing in Eritrean or Ethiopian food within two connecting ground floor storefronts with two separate addresses, the first storefront located with an entrance at 130 West Houston Street, a four story townhouse, and the second storefront, with an entrance at 168 Sullivan St., located in a one story building that appears to have previously been on the same lot of 130 West Houston St. (Circa 1840) albeit where the rear yard may have existed, the two storefronts being located adjacent to the MacDougal-Sullivan Gardens within the a Historic District of Greenwich Village at West Houston and Sullivan Streets; and,

**B. Whereas**, the storefront premises at 130 West Houston Street was previously operated as Miss Lilly's, a Jamaican style café with a restaurant wine license and its front entrance for patrons being located at 130 West Houston Street; while the connecting storefront premises at 168 Sullivan Street was previously operated as Melvin's Juice Bar selling Fresh Juices, Jamaican Fashions, Records and Books; and,

**C. Whereas**, the entrance of 168 Sullivan Street is immediately adjacent to residential townhomes on a narrow residential zoned Street (with R2-7 Zoning for residential uses only), this storefront representing an exception solely due to a grandfathered status permitting commercial uses albeit uses to serve the local neighborhood community; and,

**D. Whereas**, the entrance at 130 West Houston is located on a very wide, divided roadway with mixed use commercial and residential on both sides of the roadway where there are numerous existing ground floor, commercially operated storefronts, including those running along West Houston Street immediately adjacent to 130 West Houston Street; and,

**E. Whereas**, due to the residential zoning on Sullivan Street, the prior operator previously agreed and stipulated with CB2 Man. and its residential neighbors in 2012 and again in 2013 to use only the entrance on West Houston after 9:00 PM, to close its existing windows running along Sullivan Street by 9:00 PM and further agreed to closing hours at Melvin's Juice Bar by 10:30 PM Sunday through Wednesday and by 11:30 PM Thursday through Saturday; and,

**F. Whereas**, the combined storefront premises is approximately 2,400 Sq. ft. (1,540 Sq. ft. ground floor and 860 Sq. Ft. basement, the basement not being for patron uses), there is a full service kitchen, one patron bathroom, one bar with 9 patron seats, 18 tables with 42 patron table seats and 6 additional chef counter seats for a total patron seating capacity at 57, there will be no sidewalk café and no other outdoor areas for patrons; and,

**G. Whereas**, the proposed hours of operation will be 10 AM to 1 AM on Sundays and 12 PM to 1 AM Monday through Saturday, there will be no TVs, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at all times, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**H. Whereas**, the applicant met with neighbors and further agreed not to upgrade to an on premise license in the future, and to close his windows at all times but refused to use the front entrance to the premises at 130 West Houston Street—instead planning to use only the entrance on Sullivan Street as the only entrance to the combined storefronts, thereby creating a significant, unnecessary impact on his residentially zoned Sullivan St. neighbors which could be reasonably resolved by using the entrance and doorway on West Houston Street; and.

**I. Whereas**, there was significant opposition to this application from residential neighbors living on Sullivan Street and members of the MacDougal-Sullivan Gardens Block Association who appeared and opposed the unnecessary and unreasonable change in method of operation at the combined storefront premises; and,

**J. Whereas**, CB2, Man. agrees that the use of the entrance/door on Sullivan Street is unreasonable when the entrance on West Houston is the appropriate entrance to use, the one used in the past, an entrance that leads directly into the premises while the entrance on Sullivan Street represents an unnecessary impact on residential neighbors until 1 AM, in a residentially zoned neighborhood on a narrow roadway, causing patrons entering/exiting and patron smokers to hang out at or near the entrance, the applicant providing no coherent reason for insisting on creating this unnecessary impact on its neighbors;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial for **BAB Food, LLC, d/b/a TBD, 130 W. Houston St. 10012 (aka 168 Sullivan St)** on its application for a restaurant wine license; and,

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. respectfully requests that Liquor Authority place this matter before the Full Board of the New York State Liquor Authority for consideration at a regularly scheduled meeting should this application be presented to the Liquor Authority so that the Commissioners may review the recommendation of CB#2 Man.

Vote: Unanimous, with 33 Board members in favor.



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



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Erik Coler, *Assistant Secretary*

## Community Board No. 2, Manhattan

3 Washington Square Village  
NEW YORK, NY 10012-1899  
[www.cb2manhattan.org](http://www.cb2manhattan.org)

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

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

May 26, 2017

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 May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**8. International Center of Photography d/b/a ICP Museum Cafe, 250 Bowery 10012** (New OP – previously unlicensed location)

**A. Whereas**, the applicant and its counsel appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for an on premise liquor license at International Center of Photography (“ICP”), a new Museum specializing in Photography exhibits, with ancillary Museum Café that is located in a recently built nine-story mixed use building (Circa 2010) on the Bowery between East Houston and Stanton Streets; and

**B. Whereas**, the ancillary café will have its own entrance for patrons from the public sidewalk as well as interior access from ICP and will operate within an approximately 800 SF ground floor space; and,

**C. Whereas**, this particular premises has never previously been occupied or used for eating or drinking nor licensed for the service of alcohol; and

**D. Whereas**, the ICP is also located on the ground floor and basement of the new nine story building encompassing a space of 6,620 SF, the applicant presenting a temporary certificate of occupancy for the new building, which permits a commercial art gallery and accessory café; and

**E. Whereas**, the café will be operated by ICP, the café will have 16 tables and 30 patron seats, one bathroom, one food counter where patrons can order food and beverages but there will be no table service and there will be no kitchen; and

**F. Whereas**, the ICP will be closed on Mondays and is open to the public from 10 AM to 6 PM Tuesday through Sunday, with extended hours on Thursdays to 9 PM, while the regular hours for the Café will be from 10 AM to 9 PM daily Sunday through Saturday; and

**G. Whereas**, despite the above-stated hours for the café, the applicant seeks to operate until 12 AM for the service of alcohol albeit only and limited to two events per month, including corporate events, private parties, cocktail parties and special celebrations sponsored by ICP, all such events and parties will be catered with food and beverages being supplied to the premises for this purpose; and

**H. Whereas**, the music during the café hours will be background levels, but at the special events and private parties music may be live at entertainment levels depending on the type of event or party scheduled but all the private parties and events will end by 12 AM, the applicant indicating that sound proofing measures were undertaken to reduce impact on the residents living above the Museum and Café, there being no outdoor spaces or sidewalk café being proposed at this time; and

**I. Whereas**, ICP met with the Bowery Block Association in conjunction their application for their on premise license, there being significant concerns in the neighborhood regarding a recent over-saturation of liquor licenses and concerned that the café can and should alternatively operate with a beer and wine license instead of a on-premise license; and

**J. Whereas**, there are 42 existing on premise licenses within 750 feet of the proposed premises, with 2 additional pending licenses, 16 existing liquor licenses within 500 feet of the proposed premises and unknown number of beer and wine licenses; and

**K. Whereas**, the ICP requested described a limitation within the museum of serving only clear liquids due to potential damage to Exhibits and requested the on premise license to provide additional alternatives other than white wine for their events and the applicant further agreed to limit the number of special events at the premises to two per month with a closing time of midnight seven days a week; and

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

1. The premises will be advertised as the ICP Museum Café during the day and closing by 9 PM daily.
2. There will be only two special event parties per month at the premises, all patrons being cleared by 12 AM for each and every event.
3. There will be no televisions and the premises will not operate as a Sport Bar.
4. The premises will not operate as a bar, lounge or nightclub.
5. There will be no French doors or windows installed at the premises and all doors and windows will be close by 9 PM every night.
6. There will be no outdoor service and no sidewalk café.
7. Music will background levels during the day inside the café but at night there may be catered events where live music and dj's may be used to provide entertainment level music but there will be no scheduled performances or any events for which a cover fee is charged.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of the on premise application to **International Center of Photography d/b/a ICP Museum Cafe, 250 Bowery 10012** unless the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” on the On Premise License.

Vote: Unanimous, with 33 Board members in favor.

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



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Erik Coler, *Assistant Secretary*

## Community Board No. 2, Manhattan

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May 26, 2017

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 May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**9. Center for Goods, LLC and Dr. Howard, Dr. Fine, LLC, d/b/a TBD, 53 Howard St. 10013 (OP/Café and Private Dining Room—previously unlicensed location)**

**A. Whereas**, the applicant and its counsel appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for an on premise liquor license to be advertised and operated as Roman and Williams, a design studio and retail store selling furniture and fixtures, with ancillary Café managed by an affiliate of Starr Restaurants within a 6,000 sq. ft. retail storefront in a five-story mixed-use landmarked cast iron building known as the Constable (Circa 1857) located at the corner of Howard and Mercer Streets in SoHo; and,

**B. Whereas**, the storefront premises was previously operated as a Bank and never previously was occupied or used for eating and drinking purposes or licensed for the sale of alcohol, the premises being subject to the 500 foot rule there being 3 existing on premise licenses ([Antique Garage](#) at 41 Mercer: OP #[1151001](#); [Galli](#) at 45 Mercer, under the name 45 Mercer Restaurant, LLC: OP #[1262152](#); and Saluggi's at 325 Church Street, under the name 325 Church Street Company, LLC: OP #[1223474](#)) within 500 feet of the proposed premises; and,

**C. Whereas**, the ancillary café will be located immediately at the front entrance of the retail store and patrons will have to pass through the café to egress the larger ground floor retail space, the size of the café being 800 sq. ft. only, a menu presented with bakery items, egg, fruit and cheese plates, sandwiches, salads and other small plates but no dinner items, with 18 tables and 44 seats, the café hours being from 8 AM to 11 PM daily, closing two hours after the closing of the retail store at 9 PM; and

**D. Whereas**, the applicant will also have a full service kitchen on the ground floor servicing the ground floor café and an approximately 800 sq. ft. private basement dining room located in the basement that combines with an adjacent lounge, to cater private parties by reservation only, the dining room having no more than 6 tables and 28 patron seats and closing no later than 11 PM every evening with no patrons remaining; and,

**E. Whereas**, the applicant also seeks to host special events within the entire retail space limited to one event per month, each event being hosted by Roman and Williams (eg. Book signing, artist and artwork celebrations and new product launches, all related to the operations of the Roman and Williams design studio and retail store, all such events ending by 11:30 PM (All patrons will be cleared and no patrons will remain after 11:30 PM; and,

**F. Whereas**, the first floor and basement premises is 6,835 sq. feet (ground floor 3,970 sq. ft. and basement 2,865 sq. ft.), there is a certificate of occupancy presented for retail uses, use group 6 for the ground floor but the basement space is designated for accessory offices, bathrooms, utility and storage purposes only and does not specifically permit eating and drinking uses or occupancy; and,

**G. Whereas**, the music in the café will be background levels, but at special events music may be live and at entertainment levels but all such events will end by 11:30 PM, the applicant indicating that sound proofing measures were undertaken to reduce impact on the residents living above the Museum and Café, there being no outdoor spaces or sidewalk café being proposed at this time; and

**H. Whereas**, 10 people appeared in opposition and 1 person appeared in support of the application, all from the surrounding neighborhood and some living from in the Constable, those opposed concerned about the venting of mechanical systems that will need to be installed, the cooking smells and noise emanating from such venting and mechanical systems on the upper floors, the disposal of garbage, as well as late night noise on the street from patrons entering/exiting the premises; and

**I. Whereas**, the applicant responded that all venting and garbage disposal will occur on and be located on Canal Street and not on the roof top or on Mercer or Howard Streets, venting will be through the use of precipitators to quell such systems or noise coming therefrom, there will be no open facades or outdoor services, all doors will be closed at all times, no scheduled performances or cover fees, no velvet ropes, no movable barriers and no TV's; and,

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

1. The premises will be advertised and operated as Roman and Williams, a design studio and retail store selling furniture and fixtures, with ancillary Café and private basement dining room closing by 11 PM daily.
2. There will be only one special event per month at the premises related to the operations of the Roman and Williams design studio and retail store, all patrons being cleared by 11:30 PM for every event.
3. There will be no televisions and the premises will not operate as a Sport Bar.
4. The premises will not operate as a bar, lounge or nightclub.
5. There will be no French doors or windows installed at the premises and all doors and windows will be close by 9 PM anytime there is amplified music.
6. There will be no outdoor service and no sidewalk café.

7. Music will background levels during the day inside the café but at special events there may be live music and dj's may be used to provide entertainment level music but there will be no scheduled performances, outside promoters or cover fees and no velvet ropes or movable barriers outside on the sidewalk.
8. Will not advertise or promote boozy brunches and/or all you can eat/drink specials.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the on premise application to **Center for Goods, LLC and Dr. Howard, Dr. Fine, LLC, d/b/a TBD, 53 Howard St. 10013** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the On Premise License.

Vote: Unanimous, with 33 Board members in favor.

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



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Erik Coler, *Assistant Secretary*

## Community Board No. 2, Manhattan

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May 26, 2017

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 May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**10. Eli Zabar, Inc., d/b/a TBD, 192 Mott St., 10012** (OP-Restaurant—previously unlicensed location)

**A. Whereas**, the applicant and applicant's attorney appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a new restaurant on premise liquor license to operate as a bakery in the morning and a full service casual lunch and dinner restaurant in the evening in a six story mixed use tenement building (Circa 1900) located at the corner of Kenmare and Mott Streets in Nolita; and

**B. Whereas**, the premises is a combination of two storefronts within the same building, albeit with separate entrances and separate addresses that have never been combined in the past, the first storefront being located at 41 Kenmare St. and operated for years as a wholesale produce company known as Fung Lam Produce, the second storefront being located at 192 Mott Street and previously operated for years as Lasso Pizza, a pizzeria restaurant with hours of operation until 10:30 PM during the week and 11 PM on the weekends; and

**C. Whereas**, the combined storefronts is 2,200 sq. ft. (1,200 ground floor and 1,000 sq. ft. basement), the entire premises will be renovated but all facades on Kenmare and Mott will remain fixed and will not open up to the sidewalk, there being no plan and further, an agreement not to install French doors or operable windows in compromise was made to satisfy the public interest standard required by the 500 rule, there will be two entrances, one on both Kenmare and the other on Mott street, with 22 tables and 71 table seats, 1 standup bar with 10 seats for a seating occupancy of 81 interior seats, this application does not include a sidewalk café at this time but there are plans for a sidewalk café in the future, there being no other outdoor areas for patrons; and,

**D. Whereas,** the hours of operation will be Sunday through Wednesday from 8 AM to 11 PM and from 8 AM to 12 AM Thursday through Saturday, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed by 10 p.m. except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no TV's; and,

**E. Whereas,** to meet the public interest standard required by the 500 ft. rule, there being 29 on premise licenses within 500 feet of the premises and 53 on premise licenses within 750 feet of the premises, the applicant agreed to reduce and limit the impact of noise coming from the new establishment by not installing roll down doors, French doors or exterior operable façades during the renovation, to limit late night impacts in the community and within the large tenement apartments overlooking the new restaurant on two sides of the same building, the applicant further agreeing to install soundproofing to prevent impacts to neighbors living directly above the premises; and,

**F. Whereas,** to meet and satisfy the 500 ft. rule the applicant further executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated into the method of operation on the restaurant on premise license stating that:

1. The premises will be advertised and operated as a full service restaurant and bakery with a full service kitchen.
2. The hours of operation from 8 AM to 11 PM and from 8 AM to 12 AM Thursday through Saturday.
3. The premises will never operate as a Night Club, Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
4. Will not have or install French doors, operable windows or open facades.
5. There will be no outdoor service and no sidewalk café at this time.
6. Music will be quiet, background level inside the restaurant and bar and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
7. There will be no televisions.
8. The premises will not permit dancing.
9. Will obtain Letter of No Objection or Certificate of Occupancy from DOB permitting eating and drinking at both storefronts prior to issuance of license.
10. There will be no all you can eat/all you drink specials or pitchers of beer.
11. Will obtain all necessary building permits to combine storefronts at 192 Mott Street and 41 Kenmare.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant On Premises Liquor License for **Eli Zabar, Inc., d/b/a TBD, 192 Mott St., 10012** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant above are incorporated into the "Method of Operation" on the SLA On Premise License.

Vote: Unanimous, with 33 Board members in favor.



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



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
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May 26, 2017

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 May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**11. 135 Tart, LLC, d/b/a Once Upon A Tart, 135 Sullivan St. 10012 (RW –Upgrade to full liquor)**

**A. Whereas**, the applicant presented before CB2, Man. to upgrade their existing Restaurant Wine license to a full on-premise license, and to extend their late-night hours to 1 AM during the week and 2 AM on the weekends, for the purpose of continuing to operate a café and bakery simultaneously in two separate, unconnected and distinct “North” and “South” storefronts on the ground floor of the same 6 story residential building (circa 1900) located on Sullivan Street between West Houston and Prince Streets; and

**B. Whereas**, the two storefronts were previously operated for many years and until 2015 as a small café and catering business known as “Once Upon a Tart” by a different operator without the service of liquor but serving pastries during daytime hours only and closing by 6 pm daily; and

**C. Whereas**, prior to 2015 neither the north or south storefronts were ever licensed for the sale of beer, wine or liquor nor has either storefront operated as an eating and drinking establishment, these two storefronts being located within a Landmarked residentially zoned block (no commercial overlays) and the commercial use on this ground floor being a grandfathered use designed to directly serve the immediate needs of the local community; and

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

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

**F. Whereas**, the two storefronts are divided by this residential hallway which the current operator does not have exclusive possession and control, this Hallway representing the only means of egress into and out of the building for the residential dwellers living in the building and where their mail is delivered; and

**G. Whereas**, this is the 5th application presented to CB2, Man. for a liquor license at these same premises (with there being significant opposition from the neighborhood to the previous applications being heard in August/2014, January/2015, May/2015 and August/2015), with all prior applications with the exception of August/2015 resulted in a deny recommendations by Community Board #2 Man.; and

**H. Whereas**, the application presented in August/2015 was for a restaurant wine license wherein the licensee and applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant wine license stating that:

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

**I. Whereas**, the North storefront is a 360 sq. ft. space and currently operates as a bakery café until 7PM every evening with 3 tables with 15 seats, no stand up bar, one bathroom, there is no kitchen and it is not included in the current application even though it is anticipated a future application will be attempted for this storefront in the future; and

**J. Whereas**, the South Storefront operates as a restaurant at night with hours of operation from 6PM to 11 PM Sunday through Thursday and from 6 PM to 12 AM Fridays and Saturdays within is a 1,200 sf space, including 16 tables with 36 seats, no stand up bar, one bathroom, a kitchen, the music is background only and no sidewalk café is permitted at the premises; and

**K. Whereas**, residents from the same building where the subject premises is located appeared in opposition to the application, as well as their immediate neighbors, demonstrating how the current operator/applicant uses the common residential hallway on a regular basis to operate the combined business in the two storefronts, providing photos to demonstrate how the business operates in the residential hallway to gain access to **1)** its cold storage facilities located elsewhere in a basement area, **2)** garbage disposal and **3)** a third exterior egress/ingress from the public sidewalk through a locked gate that leads to a cemented passageway that travels around the building on one side of the building to the rear where the trash is stored and cold storage facilities located, the passageway and rear area being adjacent to residential terraces and residential windows of neighbors in two separate residential buildings; and

**L. Whereas**, the basement gate leading to the rear area of the residential buildings is often left open and not locked by employees of the restaurant, residents again presenting recent photos of how the gate is being left open overnight by the applicant's employees and business creating significant security concerns for the existing residents of the buildings exposed, the door not being closed and locked to provide a convenience for the applicant's business to access the rear areas from the sidewalk; and

**M. Whereas**, residents living and in the same building and living nearby in opposition to the instant application, also provided the Committee with petitions, photographs demonstrating large crowds on the sidewalk in front of the restaurant and how the restaurant still places chairs and tables on the public sidewalk for use by patrons in derogation of the operator's previous agreements and stipulations while outlining their concerns as to the proliferation and over-saturation of liquor licenses on this particular block, establishing that prior to 2009 there was only one licensed premises on this one block but as of 2015 there are six such licensed premises, all replacing different types of small businesses that directly served and supported the neighborhood, with additional concerns about future and additional applications at other potential locations within the same block, speaking to a significant increase in noise levels from the use of additional storefronts being operated with late night hours that did not previously exist, the narrow and intimate width of the street and the poor layout of the premises at 135 Sullivan in multiple but separate storefronts that the operators have consistently and inappropriately accessed and operated through the residential common hallway and side access passageway consistently leaving the metal gate unlocked within the same building; and

**N. Whereas**, while CB2, Man. has considerable concerns that the licensees and operators, despite promises and stipulations in the past, can operate both storefronts without using the interior common residential hallway in the same building, the current operator and applicant not abiding by their prior agreements to never use the interior residential hallway to operate their business in either storefront, that the cold storage facilities in the rear and basement underneath the North Shorefront is not exclusively being accessed from a hatch at the front exterior of the north storefront premises, that the exterior passageway that reaches around the building from Sullivan Street is not being properly locked, and that trash is being piled up along the passageway creating a fire hazard to residents, it becoming

clear that these two grandfathered storefronts located within a 100+ year old residential building was never properly designed for the use and operation of multiple eating and drinking establishments such that has been attempted, the commercial interference with the residential uses and impact being unreasonable and inappropriate, there being no public interest served in creating such an establishment where it should not and cannot be properly located and operated; and

**O. Whereas**, in addition, because there were many complaints in the past about the operator's use of tables and chairs on the public sidewalk in front of the premises—the residential zoning on this particular block prohibiting sidewalk cafes as all changes in use and occupancy must be enclosed—the applicant further agreed in 2015 to stop placing outdoor seating in front of both storefronts as a part of his future method of operation incorporated into his beer/wine license; and

**P. Whereas**, despite those promises to stop operating and using the outdoor tables and chairs in front of the premises, recent pictures were presented from neighbors in opposition showing the use of tables and chairs being placed on the narrow public sidewalk by Applicant in front of the premises blocking pedestrian traffic in derogation of the operators prior promises and agreements with CB2, Man. from 2015; and

**R. Whereas**, this application being subject to the 500 ft. rule requiring the applicant to demonstrate a recognizable public interest for adding yet another on premise liquor license in an area that is already greatly saturated with licensed establishments, the existing business not being unique to the area, the applicant providing no coherent reason why he needed to operate his restaurant until 1 AM during the week and 2 AM on the weekends, such a change in late night hours, in contrast with the existing hours for the restaurant and other eating and drinking establishments located on the same block, being significant on a narrow roadway in a residentially zoned block area, the applicant not demonstrating an ability to abide by its prior stipulations, the operator having previously agreed in 2015 not to seek an upgrade to an on premise license at these premises, most notable because the storefront premises was not a proper and acceptable fit within this residential building for such occupancy, the applicant thus failing to demonstrate a recognizable public interest, there being many existing eating and drinking establishments in the immediate area and within lower Manhattan like this one, an area already greatly saturated with licensed eating drinking establishments, there being 14 licensed premises and three pending licenses within 500 ft. of the premises (including beer and wine) and 36 within 750 ft. (including beer and wine) of the premises;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial for **135 Tart LLC d/b/a Once Upon a Tart, 135 Sullivan St. (South Storefront only) 10012** on its application seeking a new OP license; and

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

**THEREFORE BE IT FURTHER RESOLVED** that if this application is considered by the SLA, despite CB2, Manhattan's recommendation to deny this application, CB2, Man. requests that the SLA conduct a 500 foot hearing.

Vote: Passed, with 32 Board members in favor, and 1 in opposition (R. Sanz).

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



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Erik Coler, *Assistant Secretary*

## Community Board No. 2, Manhattan

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May 26, 2017

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 May 18, 2017, 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:**

**12. The Egg Shop LES, LLC, d/b/a N/A, 151 Elizabeth St. 10012** (alteration to add SWC; withdrawn)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on May 9, 2017, the Applicant **withdrew** its application and presentation before CB2 Man. for its proposed alteration to add a sidewalk café ancillary to the existing license and will no longer pursue the instant application any further to the NYS SLA;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **The Egg Shop LES, LLC, d/b/a N/A, 151 Elizabeth St. 10012** **until** the Applicant has properly presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 33 Board members in favor.

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



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Erik Coler, *Assistant Secretary*

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May 26, 2017

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 May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**13. Spread NYC, LLC, d/b/a Tartinery, 209 Mulberry St. 10012** (RW-layover requested prior to meeting)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on May 9, 2017, the Applicant was not prepared to present his application and requested to lay over this application for an on premise license to June/2017;

**THEREFORE BE IT RESOLVED** that CB2, man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Spread NYC, LLC, d/b/a Tartinery, 209 Mulberry St. 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 33 Board members in favor.

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



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Erik Coler, *Assistant Secretary*

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May 26, 2017

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 May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**14. Dean & DeLuca New York, Inc., d/b/a Dean & DeLuca, 560 Broadway 10012** (RW Class Change—laid over).

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on May 9, 2017, the Applicant requested to lay over this application for an on premise license to June/2017;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Dean & DeLuca New York, Inc., d/b/a Dean & DeLuca, 560 Broadway 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 33 Board members in favor.

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



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Erik Coler, *Assistant Secretary*

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May 26, 2017

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 May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**15. Mott Street Baking Company, LLC, d/b/a Little Cupcake Bake Shop, 30 Prince St. 10012 (TW – Bakery) (previously unlicensed location) (laid over)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on May 9, 2017, the Applicant requested to lay over this application for an on premise license to June/2017;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Mott Street Baking Company, LLC, d/b/a Little Cupcake Bake Shop, 30 Prince St. 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 33 Board members in favor.



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



Antony Wong, *Treasurer*  
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May 26, 2017

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 May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**16. 123 McDougal Street Pizza Corp., d/b/a Ben's Pizzeria, 123 MacDougal St. aka 119 MacDougal St. 10012 (Beer & Cider) (laid over)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on May 9, 2017, the Applicant requested to lay over this application for an on premise license to June/2017;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **123 McDougal Street Pizza Corp., d/b/a Ben's Pizzeria, 123 MacDougal St. aka 119 MacDougal St. 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 33 Board members in favor.

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



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
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May 26, 2017

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 May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**17. Vittorio Assaf, d/b/a Serafina, 406 Broome St. 10012 (OP – Restaurant) (laid over)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on May 9, 2017, the Applicant requested to lay over this application for an on premise license to June/2017;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Vittorio Assaf, d/b/a Serafina, 406 Broome St. 10012 (OP – Restaurant) (laid over) 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 33 Board members in favor.

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



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
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May 26, 2017

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 May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**18. Samuel J. O'Connor or Corp to be formed, 120 Mulberry St. 10013 (OP-Transfer) (Withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on May 9, 2017, the Applicant's attorney notified CB2 Man. in writing that this application is being **withdrawn** and no one appeared;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Vittorio Assaf, d/b/a Serafina, 406 Broome St. 10012 (OP – Restaurant) (laid over) 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 33 Board members in favor.

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



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
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May 26, 2017

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 May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**19. Luke's Lobster XV, LLC, d/b/a Luke's Lobster, 124 University Pl. 10003 (RW-Previously Unlicensed)**

**i. Whereas**, the applicant appeared before Community Board 2, Manhattan's SLA Licensing Committee #2 to present an application to the Liquor Authority for a new restaurant wine license for a fast casual restaurant serving Maine style seafood sandwiches and soups; and,

**ii. Whereas**, the premises is a previously unlicensed location in a mixed-use commercial/residential building located on the ground floor on University place between East 13<sup>th</sup> St. and East 14<sup>th</sup> St., it is roughly 460 sq. ft. premise with 2 tables and 4 seats and one eating counter with 9 seats, there is no stand up bar for a total of 13 interior seats; there is no sidewalk café included with this application; there is an existing Certificate of Occupancy; and,

**iii. Whereas**, the hours of operation for the premises will be from 11AM to 11PM 7 days a week (no patrons will remain after closing time), all doors will be closed by 10PM daily, all windows will be closed at all times as there will be no operable facades, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

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

1. Premise will be advertised and operated as a fast casual restaurant serving Maine style seafood sandwiches and soups.
2. The hours of operation will be from 11AM to 11PM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises, or any portion of the premises will not operate as a “lounge”, tavern or sports bar.
4. The premise will not have televisions.
5. The premises will not permit dancing and will never seek a NYC DCA Cabaret License.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only on the interior. All music levels and volumes will at all times comply with all New York City Laws and Regulations and will not be audible in adjacent residences at anytime.
8. The premises will not have DJ’s, live music, cover charges or promoted events.
9. The premises will close all doors and windows at 10PM and anytime there is amplified music. There will be no French doors, operable windows or open facades.
10. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
11. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
12. There will be 13 interior seats total.
13. There is no sidewalk café included in this application.

v. **Whereas**, the Principles also operate a number of other premises in New York City and elsewhere operating with the same name and concept; and,

vi. **Whereas**, there are currently approximately 13 On Premise Liquor Licenses within 500 ft of the premises and an unknown number of beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new on restaurant wine license for **Luke’s Lobster XV, LLC, d/b/a Luke’s Lobster, 124 University Pl. 10003** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Passed, with 32 Board members in favor, and 1 recusal (E. Coler).

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



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Erik Coler, *Assistant Secretary*

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May 26, 2017

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 May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**20. Stem 330 LLC d/b/a Kish Kash (E. Admony on behalf of an entity TBD), 455 Hudson St. aka 455-457 Hudson St. 10014 (RW – Restaurant)**

**i. Whereas**, the applicant appeared before Community Board 2, Manhattan's SLA Licensing Committee #2 to present an application to the Liquor Authority for a new restaurant wine license for a Moroccan/North African casual restaurant specializing in couscous; and,

**ii. Whereas**, the premises is a previously licensed location in a mixed-use commercial/residential building located on the ground floor on Hudson Street between Barrow St. and Morton St., it is a roughly 1,300 sq. ft. premise (650 sq. ft. ground floor and 650 sq. ft. basement - accessory use only), on the interior there will be 6 tables and 20 seats, 1 bar with 4 seats and 4 window counter seats for a total of 28 interior seats, there is also a sidewalk café which will be incorporated by assignment from the previous operator which includes 10 tables and 20 seats; the applicant states they will obtain a letter of no objection, but none was presented to CB2 Manhattan for review; and,

**iii. Whereas**, the hours of operation will be Sunday from 12PM to 10PM, Monday to Thursday from 12PM to 11PM and Friday to Saturday from 12PM to 12AM (no patrons will remain after closing time), all doors will be closed by 10PM daily, all windows will be closed at all times as there will be no operable facades, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

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

1. Premise will be advertised and operated as a Moroccan/North African casual restaurant specializing in couscous.
2. The hours of operation will be Sunday from 12PM to 10PM, Monday to Thursday from 12PM to 11PM and Friday to Saturday from 12PM to 12AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises, or any portion of the premises will not operate as a “lounge”, tavern or sports bar.
4. The premise will not have televisions.
5. The premises will not permit dancing and will never seek a NYC DCA Cabaret License.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only on the interior. All music levels and volumes will at all times comply with all New York City Laws and Regulations and will not be audible in adjacent residences at anytime.
8. The premises will not have DJ’s, live music, cover charges or promoted events.
9. The premises will close all doors at 10PM and anytime there is amplified music. There will be no French doors, operable windows or open facades.
10. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
11. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
12. There will be 24 interior seats and 1 bar with 4 seats.
13. Sidewalk Café will close at 11PM 7 days a week (all tables and chairs will be removed at that hour).
14. There is a sidewalk café included in this application, which will have no more than 10 tables and 20 seats.
15. The sidewalk café will close at 10PM Sunday to Thursday and at 11PM Friday and Saturday. No patrons will remain in the sidewalk café after the stated closing hours of 10PM/11PM.
16. Licensee will maintain sufficient passageway for pedestrians on sidewalk and sidewalk café will at all times conform to sidewalk cafes plans as submitted to Department of Consumer Affairs.

**v. Whereas,** the Principles also operate 2 other restaurants within CB2, Man.; a petition in support was presented; there were some concerns voiced to CB2 regarding operation of the existing sidewalk café including that the sidewalk café is often set up beyond its licensed boundaries and there were concerns that waiting patrons may also block the sidewalk – the applicant ensured that the sidewalk café would always conform to plans and would not impeded pedestrian movement including always maintaining the legal clearance to any obstructions including the existing tree pit and that they would not have lines or crowds as diners would typically only spend 30 minutes in the restaurant and that if there is crowding, that staff would disperse the crowds and take customers numbers and text them when seating is available using an “app”; they also agreed to reduce the hours of operation of their sidewalk café; and,

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

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of a new on restaurant wine license for **Stem 330 LLC d/b/a Kish Kash (E. Admony on behalf of an entity TBD), 455 Hudson St. aka 455-457 Hudson St. 10014** unless the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 33 Board members in favor.



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



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Erik Coler, *Assistant Secretary*

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May 26, 2017

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 May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **21. Good Luck Ribbon Corp., d/b/a La Pastaia, 14 Bedford St. 10014 (New RW Application Pending SN#1302476)**

**i. Whereas**, in April/2017 the Applicant's representatives and representative from the Attorney's Office, but not the primary Principals nor the Attorney, appeared before Community Board 2, Manhattan's SLA Licensing Committee to present an application to the Liquor Authority for a location where no eating and drinking use has previously existed in a residential zoned neighborhood with no commercial overlay in a landmarked area for a new restaurant wine license for an "Italian restaurant serving food, beer, wine other beverages" in a building with a grandfathered commercial use constructed in 1903; and,

**ii. Whereas**, this application is for a new restaurant wine license on Bedford Street between 6<sup>th</sup> Avenue and Downing St. for a roughly 250 sq. ft premise; there are 4 tables and 16 table seats, and 1 standup bar with no seats; a letter of no objection was presented to CB2 dated April 14, 2009 addressed to the New York State Liquor Authority, however, that letter was written in regards to another commercial space in the same building and not this space, which has never been previously licensed; and,

**iii. Whereas**, the proposed hours of operation presented by the applicant will be Sunday to Wednesday from 11AM to 11PM and Thursday to Saturday from 11AM to 12AM (no patrons will remain after closing time); music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all doors will remain closed at all times and there will be no operable windows, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

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

1. Premise will be advertised and operated as a “Italian restaurant serving food, beer, wine and other beverages”
2. The hours of operation will be Sunday to Wednesday from 11AM to 11PM and Thursday to Sunday from 11AM to 12AM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises, or any portion of the premises will not operate as a “lounge”, tavern or sports bar.
4. The premise will not have televisions.
5. The premises will not permit dancing and will never seek a NYC DCA Cabaret License.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes including a sidewalk café which is not (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only on the interior. All music levels and volumes will at all times comply with all New York City Laws and Regulations and will not be audible in adjacent residences at anytime.
8. The premises will not have DJ’s, live music, cover charges or promoted events.
9. The premises will keep closed at all times all doors. There will be no French doors, operable windows or open facades.
10. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
11. There will be no sidewalk furniture, no benches and no A-frame signage.
12. Will post signage requesting patrons to be considerate of neighbors.
13. Will include language in all event contracts that no patrons will be allowed loiter outside or contribute to noise issues.

**v. Whereas,** the primary principles Roberto Passon and Tanya Passon also own and operate a number of restaurants including several located within CB2 including SN#1276099 230 Bleecker Corp. d/b/a Cotenna located at 21 Bedford St. directly across the street from this premises and SN#1239342 228 Bleecker LLC d/b/a Aria located at 117 Perry Street; and,

**vi. Whereas,** by way of explaining the history of this Applicant at this location, this application was originally presented to CB2 Manhattan in March/2017 as a Restaurant On-Premise Liquor License, the CB2’s SLA Licensing Committee recommended unanimously to recommend not to approve the license; the Licensee withdrew that application and submitted the current RW application in April 2017; after the CB2 Manhattan SLA Licensing Committee unanimously voted on the RW application to recommend not to approve the license, applicant submitted a new 30 day notice for an OP Liquor License but subsequently withdrew that application again and requested that CB2 proceed with the RW application that is the subject of this resolution which was presented before CB2 in April 2016; and,

**vii. Whereas,** the Applicant reached out to local residents including the local block association, a petition in support was presented with signatures gathered from area residents and from patrons of their establishment Cotenna located across the street; and,

**viii. Whereas,** the Applicant explained that they had entered into a agreement to take over the lease for 14 Bedford St. because the circumstances were very favorable and that it would help relieve the overcrowding of the restaurant they own and operate across the street called Cotenna which operates until 12AM; they stated that by opening this new location across the street, it would take people from waiting there off the street; they explained that there would be a small electric cooking oven and

stovetop which they could use to cover a simple menu, boil water and heat things up that were already made, that it was a small area; the interior would predominately be configured as a communal table but could be configured as 4 tables with 4 seats at each table, the menu would be simple and different from Cotenna; and,

**ix. Whereas,** the local Block Association and a number of local residents who live in immediately adjacent buildings on the block wrote letters and appeared in strong opposition and stated that this is a small neighborhood block in the West Village which has radically transformed in the last 20 years from having one eating & drinking establishment to having almost all the grandfathered commercial storefronts become eating and drinking establishments; that this location has never been previously licensed or used as an eating and drinking establishment and that once licensed would preclude the more appropriate uses for the neighborhood including use as a gallery, bakery, hair salon, florist, or shoe repair; that the amount of property taxes generated from these small residential buildings on the block which are significant, should more than offset the need to license every single commercial storefront for the sale of alcohol of some sort with hours of operation that are beyond 11PM even on the weekends on this residential block; that this use is more suited in one of the 17 vacant premises on 6<sup>th</sup> and 7<sup>th</sup> Avenues in the immediate area which are already built out and/or appropriately matched to this use including associate noise impacts; that the nature of the narrow streets and sidewalk simply cannot absorb another evening operation with the accessory impacts on quality of life; the applicant already infringes on quality of life on the block through their operation located directly across the street which is a licensed on-premise restaurant; that this new use that this location would simply be an overflow spot for Cotenna which would result in people going back and forth across the street between both premises creating an undue burden of noise by running both locations in concert; video was shown of small noisy crowds in front of Cotenna to demonstrate the noise impact this has on this historic street; that this location would serve as a private dining and event space to the premises across the street creating a noise hardship when large groups enter and leave the space; that there was not a cohesive explanation presented to local residents about the operation and that certain aspects had been misrepresented and were part of a changing story line of how the premises would be used; that the stipulations the applicant was willing to enter into were not meaningful in that contract language and posting signs in their windows would not ameliorate noise issues and they have a history of not following stipulations and enforcement on stipulations by the SLA is non-existent for beer and wine licenses; that it was disrespectful that twice as this application was presented neither the primary Principles or even an actual Attorney from the office representing the location appeared; and,

**x. Whereas,** it was brought to CB2's attention in March 2017 and in April 2017 that there were irregularities with a petition which was submitted to CB2 in support of this application and the Applicant's representative did not address those irregularities, but instead dismissed them off hand and did not respond to those concerns or follow up, the representative of the Attorney also did not respond to or follow up on those concerns at the meeting; the irregularities included a number of signatures with addresses that do not appear to exist and what appears to be information filled in for many people by a single person; the person who obtained the signatures was present but also did not respond to questions regarding those signatures; and,

**xi. Whereas,** CB2, Man. is aware that this is a Restaurant Wine Application but feels this is an extraordinary case whereas, in addition to the concerns raised by local residents of fraudulent petition signatures, CB2 has a history with these particular Principles who chose not to appear twice for this application and who did not send their actual Attorney either for this application with respect to their licensed premise SN#1239342 228 Bleecker LLC d/b/a Aria located at 117 Perry Street, 10014; When these principles appeared for Aria before CB2 in 1/2010 they represented a certain type of method of operation; in July/2014 after receiving many complaints, CB2 asked Aria's principles to appear before CB2 again at which time they reaffirmed their existing stipulations and executed a new stipulations

agreement memorializing the event and promised that they would adhere to all stipulations; in May/2016 after receiving more complaints, CB2 again requested the Principles to appear at which time the Principles of Aria expressed confusion again regarding their hours of operation even though their attorney who was present in 7/2014 and 5/2016 and notarized their stipulations in 2014 and pretended as if this issue had not even been discussed in 2016, the principles again signed a stipulations agreement reaffirming the stipulations which was again notarized by their attorney; in 2016 it was brought to CB2's attention that the applicant was using a dining room in the basement of the premises at Aria for which it is not licensed and for which there is no building department permit for use and apparently that use continues to this day for private events; and,

**xii. Whereas,** CB2 cannot recommend approving this license because (1) the primary principles did not appear for this application twice and no actual attorney was present and many representations were made which were not consistent, (2) the existing history of not adhering to properly executed stipulations at Aria was factored as direct experience which apparently continues and the Applicant was not able to address these concerns before CB2; (3) there are discrepancies in the materials presented to CB2 as to what was discussed and in regards to the petition signatures and no adequate explanations have been presented nor have these issues been addressed; (4) there were a number of discussions about the proposed operation and how it would operated with local residents but it was not clear to CB2 if this location would be for special events only, for groups only or for regular dining open to the public (5) there is exceptionally strong community opposition on the block where the Principles already operate a licensed premises Cotenna and (6) the principles already operate a premises which impacts this block and this additional licensed premises if it is operated in concert with the licensed premise across the street Cotenna will dramatically raise the existing noise levels on the block as people constantly move back and forth and the impacts that will occur when this new premises when operated as an extension Private Event Space; no assurances were given by the Principles that this would not happen; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** for a restaurant wine license (pending SN#1302476) for **Good Luck Ribbon Corp., d/b/a La Pastaia, 14 Bedford St. 10014**; and,

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. respectfully requests that Liquor Authority place this matter before the Full Board of the New York State Liquor Authority for consideration at a regularly scheduled meeting so that the Members of the Authority may review the recommendation of CB#2 Manhattan; and,

**THEREFORE BE IT FURTHER RESOLVED** that should the recommendation from CB2, Man. outlined above not be acceptable to the Members of the Authority, that those conditions and stipulations outlined in the above resolution be considered as conditions on the issuance of any license at this location.

Vote: Unanimous, with 33 Board members in favor.

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



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Erik Coler, *Assistant Secretary*

## Community Board No. 2, Manhattan

3 Washington Square Village  
NEW YORK, NY 10012-1899  
[www.cb2manhattan.org](http://www.cb2manhattan.org)

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

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

May 26, 2017

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 May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**22. Entity to be formed by Alessandro Borgognone, d/b/a TBD, 63 Bedford St. 10014 (OP-Restaurant)**

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan's SLA Licensing Committee to present an application to the Liquor Authority for a new restaurant on-premise liquor license for a "1950's themed Italian restaurant; and,

**ii. Whereas**, this application is for a new restaurant on-premise liquor license at a currently licensed location in a mixed-use building on the Northwest corner of Morton St. and Bedford St. for a roughly 1,720 sq. ft premise (ground floor 920 sq ft, cellar 800 sq ft); there are 12 tables and 40 table seats, 1 standup bar with 4 seats for a total of 44 seats; there is no outdoor seating, a letter of no objection was presented; and,

**iii. Whereas**, the proposed hours of operation presented by the applicant will be from 12PM to 12AM 7 days a week (no patrons will remain after closing time), the last dinner seating will be no later than 10:15 PM; music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will remain closed at all times except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

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

1. Premise will be advertised and operated as a 1950's themed Italian restaurant.

2. The hours of operation will be from 12PM to 12AM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises, or any portion of the premises will not operate as a “lounge”, tavern or sports bar.
4. The premise will not have televisions.
5. The premises will not permit dancing and will never seek a NYC DCA Cabaret License.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only on the interior. All music levels and volumes will at all times comply with all New York City Laws and Regulations and will not be audible in adjacent residences at anytime.
8. The premises will not have DJ’s, live music, cover charges or promoted events.
9. The premises will keep closed at all times all doors and windows. There will be no French doors, operable windows or open façades.
10. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
11. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
12. There will be 40 interior table seats and 1 bar with 4 seats.
13. Licensee will actively control patron noise outside of the establishment.
14. Licensee will not change the existing façade or windows.
15. Licensee will return to CB2, Man. to modify the stipulations prior to any changes to façade or windows.
16. The last patron seating will be no later than 10:15PM 7 days a week.
17. There will be no standing patrons.
18. Lunch Service will be from 12PM to 3PM and Dinner Service will be from 5PM to 12AM.
19. The premises will operate with reservations only.
20. No sidewalk café is included in this application.

**v. Whereas,** a petition in support was presented and the most closely impacted residents living in three adjoining buildings appeared in support provided that the applicant adhere to all the stipulations presented in this resolution, especially as they relate to the operating hours, that no patrons be seated after 10:15 PM, that service be by reservation only, that no additional seating is added, that there are no standing patrons and that the façade remain fixed and non-operable and the door kept closed at all times; and,

**vi. Whereas,** the applicant is also a principle of another licensed establishment, Sushi Nakazawa located 2 blocks away, which has an adverse history with CB2, Man. and with local residents in immediate proximity to that premises which have stemmed from complaints which were presented to the Liquor Authority with regards to serious landmarks violations, working without permits, tearing down a landmarked façade, removing fire stopping partition walls, all without permits, and opposition from local elected officials representing this area including City Council, State Assembly and State Senate as well as the Manhattan Borough President, those issues and opposition resulted in the Liquor Authority not approving a request to upgrade the Restaurant Wine License SN#1272297; CB2 Manhattan’s Resolution and correspondence on the matter is a part of the file for that premises and application to upgrade the license at the SLA and CB2, Manhattan’s resolution on the matter is available on pages 36 to 39 here: [http://www.nyc.gov/html/mancb2/downloads/pdf/fullboard\\_2016/11%20November%202016%20\(a\).pdf](http://www.nyc.gov/html/mancb2/downloads/pdf/fullboard_2016/11%20November%202016%20(a).pdf); CB2, Manhattan’s concern and opposition to that location at 23 Commerce continues irrespective of any recommendation in this matter; and,

**vii. Whereas,** correspondence was received in opposition to this application and in opposition to a similar application at this same location 2 months ago; the unifying and clear concern was that this location is predominantly residential and any extension of the hours of operation over what the current applicant operates, which is until 11PM 7 days a week, is not acceptable and there was vehement opposition to the proposed hours of operation; local residents had previously retained an attorney to represent their interests and the attorney spoke in opposition to that previous application, but stated for this current application that the concession of seating the last patrons at 10:15 spoke to the nature of this operation as a restaurant; residents spoke to the significant increase in licensed premises in the area and the increase in quality of life issues, noise, vehicular traffic issues, parking issues, all associated with the significant growth in liquor licenses in the surrounding area and were very clear that any extension of hours of operation over what was currently in place would have a deleterious impact of residents quality of life; given that the applicant operates his other establishment and ends service early and was willing to not seat patrons after 10:15PM ameliorated some concerns and the immediately impacted residents in the immediately adjoining buildings stated they would not be opposed to the application if the applicant adhered to the stipulations; and,

**viii. Whereas,** it is not clear what the principle's actual relationship is to Chumley's 86, LLC d/b/a Chumley's at 86 Bedford St. SN#1291310, he is often held out in the press as the owner and proprietor of that premises, but is not actually a principal on the liquor license and did not notify or appear before CB2 as a principle of that premises when it was licensed or as part of any corporate change application; this relationship was mentioned in correspondence to CB2, Man. in opposition, but was not clarified with the applicant; the relationship between the applicant and Chumley's 86, LLC should be clarified to local residents; and,

**ix. Whereas,** CB2, Man. was assured by the Applicant and his representative that all stipulations would be adhered to at all times without question, that there would be no adverse impacts from his operation at this location at all, that the minimal number of seats would result in no noticeable difference to local residents and there would be no impacts on those who would be immediately and directly impacted by changes to this licensed premises; and,

**x. Whereas,** a number of CB2, Man. members continue to have concerns regarding the character of this applicant as it relates to his conduct at Sushi Nakazawa SN#1291310 located at 23 Commerce St; and

**xi. Whereas,** there are currently 19 On Premise Liquor Licenses within 500 ft. of the premises and 18 beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new on premise liquor license for a restaurant for an **Entity to be formed by Alessandro Borgognone, d/b/a TBD, 63 Bedford St. 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the "Method of Operation" on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous with 33 Board members in favor.

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



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Erik Coler, *Assistant Secretary*

## Community Board No. 2, Manhattan

3 Washington Square Village  
NEW YORK, NY 10012-1899  
[www.cb2manhattan.org](http://www.cb2manhattan.org)

P: 212-979-2272 F: 212-254-5102 E: [info@cb2manhattan.org](mailto:info@cb2manhattan.org)  
Greenwich Village ✦ Little Italy ✦ SoHo ✦ NoHo ✦ Hudson Square ✦ Chinatown ✦ Gansevoort Market

May 26, 2017

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 May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**23. Smorgasburg Events, LLC, d/b/a N/A, 76 Varick St. 10013 (New OP – Previously Unlicensed)**

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan's SLA Licensing Committee in April and May to present an application to the Liquor Authority for an on-premise liquor license for a premises known as 76 Varick St. which is an empty gravel covered lot bounded by Grand St. to the North, Varick St. to the West, Canal St. to the South and Duarte Square Park to the East, to operate an outdoor food court with 5-7 food vendors on the northern portion of the premises operated seven days a week under the Smorgasburg brand and on the weekends in the southern portion of the premises a market under the Brooklyn Flea brand with up to 30 vendors, including potentially additional food vendors; and,

**ii. Whereas**, this application is for a new on-premise liquor license at a currently unlicensed location which is an open gravel lot with surrounding chain link fence with no improvements and is roughly 23,465 sq. ft. premise; as per diagrams presented, in the northern portion of the premises there are 20 tables and 120 table seats in an outdoor seating area with shade canopies, the tables are picnic benches with attached bench seating, there is 1 standup bar with no seats located in a shipping container, there are 5-7 food vendors located in separate shipping containers with outdoor cooking facilities under tents; occupancy is outlined in the stipulations; in the southern portion of the premises there will be a pop-up weekend market with approximately 30 vendors, some of which may be food vendors; and,

**iii. Whereas**, the proposed hours of operation for patrons for the food court area in the northern portion of the premises are 11:30AM to 9PM Monday to Friday and 11:30AM to 10PM Friday to Saturday, the weekend pop up market on the southern portion of the premises will be open to patrons from 11:30AM to 6PM Saturday and Sunday only (no patrons will remain after closing time); music will be quiet



background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music) as described in the stipulations, there will be no other music or amplified sounds, DJ's or live music, no outside promoted events, no special events, no scheduled performances, no cover fees; and,

**iv. Whereas,** from the presentations and discussions with the Applicant in April and May, CB2 formulated a list of stipulations and the Applicant has executed a stipulations agreement with CB2 that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the new restaurant on-premise liquor license stating that:

1. The premises will be advertised and operated as an outdoor food court with 5-7 food vendors on the northern portion of the premises operated seven days a week and will also have on Saturdays and Sundays a weekend market (Brooklyn Flea) with up to 30 vendors, including potentially additional food vendors, on the southern portion of the premises as indicated on provided diagrams. Outdoor food court will be open during all hours of operation. At all times service of alcohol will be to complement a food driven experience. The food court area will not be operated or advertised as a beer garden, tavern style or bar style service.
2. The license sought is for a two-year period only as the proposed use is a temporary use only and any structures built are temporary in nature only. Should the use for any reason be extended beyond two years, the applicant will notify CB2 3 months in advance of filing for a renewal application and will present before CB2 their plans to continue the operation with ample opportunity by CB2 and the public for comment.
3. Hours of Operation:
  - Food Court Service and Dining Area and Bar (Northern Portion of Premises):
    - Hours of operation (open to public, no patrons in premises outside of those hours):
      - Monday to Friday: 11:30AM to 9PM.
      - Saturday to Sunday: 11:30AM to 10PM
    - Load in/load out service times for Food Court Dining Area will occur from primarily from 9AM to 11AM – no earlier than 8AM, and from 9PM to no later than 10PM during weekdays and no later than 10:30PM on weekends.
  - Weekend Outdoor Market (Southern Portion of Premises)
    - Hours of operation (open to public, no patrons in southern premises outside of those hours):
      - Saturday to Sunday: 11:30AM to 6PM
      - Load in/load out service times for Weekend Outdoor Market will occur from no earlier than 9AM to 11:30AM and from 6PM to no later than 9PM.
4. The outdoor food court area will be limited to a total occupancy of 300 Persons Monday to Friday at all times and 350 Persons from 6PM to closing on Weekends. On Saturday and Sunday when the weekend market/flea market is operating, there will be no more than 775 persons in the entire premises. Applicant's staff will ensure that occupancy limitation is not exceeded at anytime. There will be at all times a minimum of seating for 120 persons in the outdoor food court area. Amount of seating may be increased if necessary to reduce standing patrons if that occurs, but the total occupancy of the outdoor food court area will remain fixed and will not increase. If there are ongoing issues and impacts, this matter may be revisited by CB2.
5. There will be only one bar where all alcoholic beverages are sold. In addition to the food court area on the northern portion of the premises, during the weekends patrons may bring alcoholic beverages into the southern weekend market area during the market areas hours of operation.

6. Premises will limit alcoholic beverages for sale to beer, wine, cider and 3-5 “pre-mixed” liquor alcoholic beverages. There will be no “full bar” of liquor for sale to patrons and no drinks will be mixed on demand other than the 3 premixed liquor alcoholic beverages. There will be no happy hour pricing or drink discounts. No boozy brunch or other style boozy event promotions.
7. All cooking done on site in the food court area will utilize propane, gas or electric cooking with the exception that one vendor may utilize charcoal. There will be no use of any smokers or significant charcoal such that excessive odors or smoke are created. There will be no use of charcoal by any food vendors in the weekend market place/flea market.
8. During the weekend market, there will be staff at every entry point in addition to licensed security.
9. Music on site: music will be limited to background music only in the food court dining area where food is served and patron seating is located as indicated on diagrams presented and will be limited to small speakers with speakers appropriately placed and directed so as to minimize any impact to surrounding residences, businesses and users of Duarte Square Park. Levels of music will be maintained at all times so that at no time will be music be audible outside the premises fencing area and music will not be audible in any residential apartments at anytime or in Duarte Square Park. Should any issues arise regarding this matter, the applicant may seek guidance from CB2 on how to resolve those issues. In addition, the premises will at all times be in compliance with all provisions of NYC Noise codes. At no time will there be any music in the southern portion of the site utilized as the flea market area. There will be no live music, DJ’s or amplified sounds or any actively manipulated music or music associated with any events other than as described above in any areas of the premises.
10. There will be no events or special events other than the normal outdoor food court and weekend market (Brooklyn Flea). There may be on occasion Monday to Friday only a full food buyout of the outdoor food court area that would be closed to the public during that time during which the outdoor food area would operate as it does on other days with the exception of limited entry to private guests. All stipulations during buyouts would remain in effect including music, no amplified sounds, and occupancy limit of 300 persons.
11. There will be adequate restroom facilities for the number of patrons on the premises at all times. All bathrooms and sinks and washing areas will be fully plumbed directly into the NYC sewer system without any separate holding facilities that require ongoing service.
12. Lighting will be predominantly down lighting and string lighting throughout the site. There may be some large lights (similar to street lights) near the entrances to ensure the safety of guests, but they will not be aimed up at or towards any of the surrounding buildings. There will be no generators used on the site to service day-to-day operations. No outdoor mechanicals will violate the NYC Noise Code. There will be one refrigerated container only adjacent to the bar area on the eastside the site which will employ sound shielding of the mechanicals if necessary to shield adjoining buildings from noise. Any other mechanicals will utilize sound shield materials if necessary to shield adjoining buildings from noise.
13. All loading and unloading and servicing of the premises will occur from Grand Street. There will be Smorgasburg, LLC Staff on hand at all times of loading and unloading and servicing to handle traffic and safety issues so as to minimize all disruptions. On the weekends, all weekend market vendors will be load and unload in stages. Vehicles will not be left unattended unless legally parked during loading and unloading and will be expedient in their activities so as to cause minimal disruption. Steps will be taken by staff to ensure minimal disruption of the existing bike path that runs along the Southern portion of Grand St. adjacent to the site and biker safety at all times. This issue may be revisited with the Applicant or CB2 at anytime.

14. Should for any reason there occur any type of issues of patron overcrowding of the site, immediate surrounding sidewalks or ongoing pedestrian issues in accessing the site from any of the four corners of the site or in relation to crosswalks etc. especially during the weekend market, Smorgasburg will dedicate staff to ensuring pedestrian safety and work with the NYPD or DOT proactively as necessary to ensure pedestrian safety.
15. The Applicant will work to ensure that there is no undue impact on Duarte Square Park with the use, operation and occupancy of their premises. Duarte Square Park will not be used by the applicant for any purpose. There will be no gates, access points or service points used at anytime which lead onto the de-mapped portion of Sullivan Street which is now passive recreation area for Duarte Square Park. The fence along the Duarte Square Park border will have screening to block views into the service area, food court area and market area. The Applicant will not place branding or advertising along the fence area bordering Duarte Square Park.
16. The applicant will assist and work with the NYC Parks Department to manage garbage cans in Duarte Square Park so as to minimize any garbage issues or garbage collection issues and overall litter issues.
17. There will be no screens, projectors or TV's.
18. There will be no dancing.
19. All Garbage pickups will be coordinated to occur at hours so as not to create undue impacts on residential tenants. Applicant will work to try to make sure that no pickups occur between 12AM and 7AM.
20. Prior to operation, the Applicant will obtain all proper permits including those from the NYC Department of Buildings and keep current at all times any temporary permits while operating. The Applicant will at all times conform to all NYC Zoning ordinances.
21. There will be a designated manager on site at all times and a designated point person for community relations and complaints who is accessible during all hours of operation to manage complaints. All complaints will be logged and shared with the Principles. All complaints will be responded to in a timely matter.
22. All information and details as presented to CB2 in April and May of 2017 except as modified in this agreement are presented in good faith and are accurate and complete. Should there be any changes, Smorgasburg Events LLC will return to CB2 as soon as practical to present those changes for review.

**v. Whereas,** in April and May a few local residents and others appeared to speak in support of the application and there hopes the application would provided a positive impact for the immediate community, a petition in support was presented and a number of letters in support were presented; included in the letters of support were letters from other Community Boards in which the same operators operate other similar style venues under the Smorgasburg and Brooklyn Flea brand, the operation presented here however is the only venue which operates 7 days a week outdoors; the correspondence is predominately form letters indicating support for hours of operation, cites the professionalism of the operator, the operators success in promoting small businesses and comments on the application as part of an activation of a currently dead public space; letters from residents immediately adjacent to other locations state their well run operations and professionalism; and

**vi. Whereas,** in April and May a number of local residents who live in the area appeared to speak in opposition to the application and voice their concerns, a number of letters in opposition were received, including from residents of the immediate adjacent residential building; specifically they stated that this is an inappropriate area for a constant 7 day a week outdoor food court and even more so for a food court with an accompanying outdoor pop up market with 30 or more vendors on the weekends; the reasons included the noise impacts on the residential buildings located to the North and Northeast of the lot from not just music noise, but from patron noise and mechanical noise from cooling systems

etc., that this area is already one of only three exits to the West from New York City to New Jersey and is located in the nexus of arterial traffic to and from the Holland Tunnel which is located just a block away and the number of vendors and type of support traffic for the food vendors and pop-up vendors in the licensed areas would impact the flow of traffic as that support traffic enters and leaves Grand St. creating an undue burden to the extent residents wouldn't even be able to circle the block; that there is limited parking in the area already, especially during the early evening and on weekends and this use would virtually eliminate that parking for patrons of other businesses or for residents; that this immediate area on the Canal Street Corridor is one of the most heavily polluted areas with some of the highest levels in New York City and outdoor cooking was simply inappropriate and difficult to construe, that additional pollution from burning anything was difficult to understand; that having a temporary food use to supplement a need for food for weekday workers in local buildings undercut the growth of traditional brick and mortar businesses; that this use was never an anticipated use at this location which was rezoned a number of years ago and the landlord of the property had represented that in exchange for concessions at this location they would be building a large residential tower with a shell for a New York Public School which is desperately needed in the area and an outdoor play area as part of the school which would be open to the public in addition to the adjoining Duarte Square Park; that the large number of pedestrians coming to and leaving the site would create a safety issue due to the incredibly busy intersections which immediately abut this location and which have very long crosswalks and are heavily congested; there are no NYPD Traffic agents on the weekends when pedestrian traffic at this site will be highest; several residents in the immediate area testified to the unbearable nature of living next to licensed premises with outdoor music despite any type of stipulations and the direct impact it has on their quality of life and that is for establishments that have a majority of their operations inside; there was a concern that even if this use was approved that the applicant would just keep asking for more; previous temporary uses at this location including pop-up events and events creating a temporary food court with outdoor food trucks created significant quality of life impacts; it was noted that the applicant recently shut down one of their Brooklyn Flea operations in East River State Park in Brooklyn due to overwhelming community concerns and opposition – see <https://www.dnainfo.com/new-york/20170503/williamsburg/public-park-williamsburg-waterfront-parks-brooklyn-flea-smorgasburg> and <http://www.amny.com/things-to-do/brooklyn-flea-s-williamsburg-location-shut-down-due-to-crowding-1.13559361> ; and,

**vii. Whereas,** in addition to the obvious impacts and the impacts outlined by those in opposition, CB2 has a number of concerns regarding this location **(1)** the proposed location is supposed to be developed by the landlord as a residential building with the landlord funding the core and shell of a new 444-seat public school (Duarte Square School) with additional indoor gym space and a school playground with public access during non-school hours; this provision was provided as a result of a rezoning of the local area which included significant benefits to the landlord who owns a significant amount of property in the area and this site was proposed to be developed as one of the first projects and interim use such as presented here was never contemplated or anticipated and as such was never addressed during the rezoning process; The Duarte Square School remains funded in the New York City School Construction Authority's 2015-2019 capital plan; **(2)** There are concerns that the use, operation and occupancy of the applicants premises will have an undue impact on the immediately adjacent Duarte Square Park and the passive recreational space on what is now a de-mapped portion of the Sullivan Street either through use of the park to access the applicant's site for patrons/pedestrians through use of an existing gate in the chain link fence or to have trucks or vehicles access the Applicant's premises through the park; the de-mapped portion of Sullivan St. is part of an open space easement that was created in exchange for the landlord of the Applicant's space to use the FAR of that space to build a taller building than is otherwise allowed during the rezoning process; **(3)** no traffic analysis was conducted by the applicant; there may also be pedestrian safety issues and other issues accessing the site given the unique circumstances of the area and immediate proximity to the Holland Tunnel; **(4)** that the proposed use is inconsistent with uses allowed under the zoning regulations; **(5)** that the

applicants presentation that they are “place making” and “activating” this area is inconsistent with the use of that terminology as this is private property and that type of process evolves out of a special planning process that includes broad community participation as outlined by the Project for Public Spaces here [https://www.pps.org/reference/what\\_is\\_placemaking/](https://www.pps.org/reference/what_is_placemaking/); CB2 believes that the best use of this space in the short and long term is the proposed planned development which the landlord has previously committed to which includes a shell for a public school which will serve the needs of the residential community and lower Manhattan’s need for additional school seats; the proposed temporary plan targets local employees and visitors to the neighborhood while providing low cost competition to ground floor retail; and,

**viii. Whereas,** over the course of listening to and meeting with CB2, Man. and local residents, the Applicant significantly adapted their plans including shifting from a food truck model to a stationary model for the outdoor food court area, restricted the hours of operation, restricting occupancy numbers, restricting hours during which the premises will be served; removing special events, committing to not using the boundary fence shared with Duarte Square Park for patron entry or exit or for any service entries among many concessions; and,

**ix. Whereas,** at the request of CB2, Man., the Applicant provided a letter from their zoning counsel indicating that they believed that the proposed use is as-of-right under applicable zoning; and,

**x. Whereas,** there are currently at least 11 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new on premise liquor license for a restaurant for an **Smorgasburg Events, LLC, d/b/a N/A, 76 Varick St. 10013** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations outlined above are agreed to by the Applicant and are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Passed, with 32 Board members in favor, and 1 in opposition (R. Ely).

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



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Erik Coler, *Assistant Secretary*

## Community Board No. 2, Manhattan

3 Washington Square Village  
NEW YORK, NY 10012-1899  
[www.cb2manhattan.org](http://www.cb2manhattan.org)

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

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

May 26, 2017

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 May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**24. Soho House New York, Inc., d/b/a Soho House, 29-35 Ninth Ave. 10014 (OP – License # 1122680 – Hotel & Restaurant) (Alteration to add 5th floor restaurant)**

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan's SLA Licensing Committee to present an alteration application for an existing hotel operating as Soho House under hotel liquor license #1122680 to add the 5<sup>th</sup> restaurant in the same building to the hotel liquor license; that portion of the 5<sup>th</sup> floor had previously been operated as Soho House New York Inc. under license # 1137859; the resulting changes would have the 2<sup>nd</sup> through 5<sup>th</sup> floor of the building operated as Soho House Hotel and the 6<sup>th</sup> Floor and rooftop operated by the private club Soho House; the Applicant has agreed that all previous stipulations governing one or the other spaces would continue through any changes to the premises; and,

**ii. Whereas**, the 5<sup>th</sup> floor is approximately 5,700 sq. feet, the hotel restaurant will have 8 tables and 49 seats and 1 bar with 10 seats for a total of 59 seats on the 5<sup>th</sup> floor; the maximum occupancy for the 5<sup>th</sup> floor restaurant in the provided Certificate of Occupancy is 114; and,

**iii. Whereas**, the hours of operation for the 5<sup>th</sup> Floor restaurant will continue to be from Sunday to Wednesday from 11AM to 3AM (no patrons/members remain after 3AM) with the service of alcohol ending at 2:30AM and Thursday to Saturday from 11AM to 4AM (no patrons/members remain after 3AM) with the service of alcohol ending at 3:30AM; on all days the Kitchen will accept its last dinner order at 1AM; music will continue to be quiet background only, there will be no d.j., no promoted events, no scheduled performances or cover fees; and,

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

1. This alteration is to add the 5<sup>th</sup> floor restaurant in this building to the existing Hotel Liquor License for Soho House New York LLC SN#1122680 from the Liquor License for Soho House New York Inc. SN#1137859.
2. All previous stipulations which have governed either Soho House New York, LLC and Soho House New York, Inc. will continue with alteration application for the 5<sup>th</sup> Floor and remain in effect.
3. The fifth floor restaurant hours of operation will continue to be from Sunday to Wednesday from 11AM to 3AM (no patrons/members remain after 3AM) with the service of alcohol ending at 2:30AM and Thursday to Saturday from 11AM to 4AM (no patrons/members remain after 3AM) with the service of alcohol ending at 3:30AM.
4. The fifth floor restaurant will continue to be advertised and operated as a hotel restaurant and the last dinner order will always be accepted until 1AM all days.
5. There will be no dancing.
6. There will be no televisions in the restaurant.
7. The music in the restaurant will be quiet background music only.
8. There will be no DJ, live music, promoted events, any events with cover charges.

v. **Whereas**, the applicant communicated with local community groups and there was no objection to this change; and,

vi. **Whereas**, CB2, Man. has no objection to Soho House New York Inc. SN# 1137859 relinquishing the 5<sup>th</sup> floor restaurant as described above provided that all other stipulations governing that liquor license remain in effect; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the alteration application to the existing hotel liquor license SN#1122680 for **Soho House New York LLC, d/b/a Soho House, 29-35 9th Ave. 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant in the past and reaffirmed above are incorporated into the “Method of Operation” on the SLA Hotel On-premise Liquor License.

Vote: Unanimous, with 33 Board members in favor.

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



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Erik Coler, *Assistant Secretary*

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

May 26, 2017

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 May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **25. 246 Spring Street (NY), LLC, d/b/a Trump SoHo, 246 Spring St. 10013 (OP Alteration – Hotel)**

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan's SLA Licensing Committee to present a corporate change application and an alteration application for an existing hotel license SN#1228945 operating as Trump SoHo to add areas of the hotel back onto the hotel liquor license which had been relinquished in 2/2013 to a separate entity Koi NY Downtown, LLC SN#1269114 that operated those areas; the areas which are being added back to the Hotel Liquor license include the ground floor restaurant, mezzanine, hotel lobby/lounge area, 5<sup>th</sup> floor interior pool bar and 5<sup>th</sup> floor pool area; all previously existing stipulations governing all areas of operation will remain unchanged and there are no changes to the method of operation; and,

**ii. Whereas**, there are no changes in either the method of operation or other operational details in the manner in which the premises will be operated from what was presented to CB2, Man. under two separate applications in April 2012 for Koi NY Downtown LLC and in May 2009 by Bayrock Sapir Organization, LLC/Spring & Varick Assoc, LLC and the applicant has stipulated that all details remain unchanged and that all stipulations will continue to be adhered to for the areas to be incorporated as they pertain to the method of operation, physical characteristics and other representations and security plans; and,

**iii. Whereas** the portion of this application that covers the Ground Floor, Mezzanine and Hotel Lobby Bar were covered by under the following CB2, Man. April 2012 Resolution:

#### **2. Koi NY Downtown, LLC d/b/a Koi SoHo, 246 Spring St. 10013-(Ground Floor Area and Mezzanine Level)**

*Whereas, the applicant and their attorney appeared before the committee and,*



*Whereas, this application is for a portion of a licensed establishment licensed under SLA Serial # 1228945, for which this portion will be relinquished, which includes only the ground floor and mezzanine space located in the Trump Soho Hotel located between Varick St. and 6<sup>th</sup> Avenue for a fine dining restaurant, café and lounge serving breakfast, lunch and dinner to hotel guests and neighborhood residents; and,*

*Whereas, the proposed premise is 7,853 sq. ft. (ground floor restaurant/lounge 5,398 sq. ft. and mezzanine café/library 2,455 sq. ft.), the physical layout and operation will not deviate from the previous method of operation and consists of a total of 71 tables, 244 table seats, there will be 4 stand up bars (3 on the ground floor and 1 on the mezzanine level) there will be 14 bar seats and 1 service bar for a total 258 seats in the premise, there is no outdoor area included in this application and no sidewalk cafe; and,*

*Whereas, the hours of operation for the ground floor and mezzanine for the Restaurant, Café and Library are Sunday from 6:30 a.m. to 1 a.m., Monday to Saturday from 6:30 a.m. to 2 a.m.; the hours of operation for the ground floor lounge area are Sunday from 12 p.m. to 1 a.m. and Monday through Saturday from 10 a.m. to 3:30 a.m.; and,*

*Whereas, there will be promoted events and outside promoters, events for which a cover fee is charged and private parties, but these events will only occur on occasion and will only occur in the lounge portion of the premises; and,*

*Whereas, in the Restaurant, Café and Library areas (i.e. the non lounge areas) there will only be quiet background music played via ipod/cd's through speakers that are standard for restaurants and cafes, there will be no music in any outdoor areas; and,*

*Whereas, the applicant will continue to utilize the security plan as presented at the time of the previous licensee's original application as it relates to this portion of the premise utilizing the hotel's existing security and additionally will have 1-2 security personnel as necessary, there are also plans to have the security personnel to address vehicular and crowd control as necessary, "velvet" ropes may be used to manage crowd control on occasion as necessary; and,*

*Whereas, the applicant agrees to abide by the regulations associated with all New York City departments and safety organizations including but not limited to the Department of Buildings and the Fire Department, and will obtain all required certificates, permits and related documents prior to the use of the On Premise license and will continue to abide by those regulations after the On Premise license is issued; and,*

*Whereas, the applicant executed a stipulations agreement with CB2, Man. that is attached that they agree will be incorporated in to their method of operation on their SLA license; and,*

*Whereas, the applicant performed community outreach and no one appeared in opposition; and*

***THEREFORE BE IT RESOLVED*** that CB2, Man. recommends ***denial*** of an on-premise liquor license for ***Koi NY Downtown, LLC d/b/a Koi SoHo, 246 Spring St. 10013 for the Ground Floor and Mezzanine area as described above and on floor plans submitted unless*** the statements the applicant has presented are accurate and will remain unchanged and that those conditions and stipulations agreed to by the applicant on the attached stipulations form are incorporated into the "Method of Operation" on the SLA On Premise license.

**iv. Whereas** the portion of this application that covers the 5<sup>th</sup> Floor Interior Pool Bar and exterior Pool Area (noted as the 7<sup>th</sup> Floor in hotel operations) were covered by under a separate CB2 April 2012 Resolution which is as follows:

**3. Koi NY Downtown, LLC d/b/a Koi SoHo, 246 Spring St. 10013-(Portion of 5<sup>th</sup> Floor and Outdoor Pool Area – a/k/a 7<sup>th</sup> Floor of Trump Soho Hotel)**

*Whereas, the applicant and their attorney appeared before the committee and,*

*Whereas, this application is for a portion of a licensed establishment licensed under SLA Serial # 1228945, for which this portion will be relinquished, which includes only a portion of the 5<sup>th</sup> Floor of the building and out door pool area (which is the 7<sup>th</sup> floor of the hotel) located in the Trump Soho Hotel located between Varick St. and 6<sup>th</sup> Avenue, for a pool bar/food counter which will serve food and beverages to hotel and spa guests and the outdoor pool area; and,*

*Whereas, the proposed premise consists of 662 sq. ft. of interior space and 6,558 sq. ft. outside in the pool area, both located on the 5<sup>th</sup> Floor (which is the 7<sup>th</sup> floor of the hotel), the physical layout and operation will not deviate from the previous layout or method of operation for this portion of the previous SLA license and consists of a total of 7 interior tables, 18 interior table seats, there will be 1 stand up bar with 11 seats, for a total of 29 interior seats, there will be approximately 61 seats in the outside pool area; and,*

*Whereas, the hours of operation for interior and exterior of the Pool Bar and Pool Area will remain unchanged from the previous licensee and will be Sunday from 12 p.m. to 1 a.m. and Monday to Saturday from 10 a.m. to 2:30 a.m.; and,*

*Whereas, there will be promoted events on occasion, but there will be no scheduled performances, no outside promoters, and no events for which a cover fee is charged, there may be 1 t.v.; and,*

*Whereas, there will only be quiet background music played via ipod/cd's through speakers that are standard for restaurants and cafes in the interior area, there will be absolutely no music in any outdoor areas including the pool area; and,*

*Whereas, the applicant will continue to utilize the security plan as presented at the time of the previous licensee's original application as it relates to this portion of the premise utilizing hotel security and additionally will have additional security personnel as necessary; and,*

*Whereas, the applicant agrees to abide by the regulations associated with all New York City departments and safety organizations including but not limited to the Department of Buildings and the Fire Department, and will obtain all required certificates, permits and related documents prior to the use of the On Premise license and will continue to abide by those regulations after the On Premise license is issued; and,*

*Whereas, the applicant executed a stipulations agreement with CB2, Man. that is attached that they agree will be incorporated in to their method of operation on their SLA license; and,*

*Whereas, the applicant performed community outreach and no one appeared in opposition;*

***THEREFORE BE IT RESOLVED*** that CB2, Man. recommends ***denial*** of an on-premise liquor license for ***Koi NY Downtown, LLC d/b/a Koi SoHo, 246 Spring St. 10013 for a portion of the interior of the 5<sup>th</sup> Floor and adjoining pool area (7<sup>th</sup> Floor of the Hotel) as described above and on floor plans submitted unless the statements the applicant has presented are accurate and will remain unchanged and that those conditions and stipulations agreed to by the applicant on the attached stipulations form are incorporated into the "Method of Operation" on the SLA On Premise license.***

**v. Whereas,** 246 Spring Street NY, LLC executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the existing method of operation on the Hotel Liquor License #1228945 stating that all previous stipulations governing the areas being added to this license would remain in effect and those stipulations are outlined in a written agreement including the hours of operation for each of the different areas and notations on certain elements of the method of operation as they pertain to music and similar as outlined above; and,

**vi. Whereas,** no one appeared in opposition;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends ***denial*** of the corporate change and alteration application to the existing hotel liquor license SN#1228945 for ***246 Spring Street (NY), LLC, d/b/a Trump SoHo, 246 Spring St. 10013 unless*** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Licensee in the past and reaffirmed above are incorporated into the "Method of Operation" on the SLA Hotel On-premise Liquor License.

Vote: Unanimous, with 33 Board members in favor.

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



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Erik Coler, *Assistant Secretary*

## Community Board No. 2, Manhattan

3 Washington Square Village  
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Greenwich Village ✦ Little Italy ✦ SoHo ✦ NoHo ✦ Hudson Square ✦ Chinatown ✦ Gansevoort Market

May 26, 2017

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 May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**26. SNS Bar, LLC, d/b/a Stockholm, 63 Gansevoort St., East Basement (aka 22 Little West 12<sup>th</sup> St.) 10014 (OP)**

- i. Whereas**, the Applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for an on-premise liquor license for a cocktail bar located underneath a sneaker store; and,
- ii. Whereas**, this application is for a new tavern on-premise liquor license for a previously licensed location (previously operated under DBS Restaurant Group, LLC d/b/a Subrosa SN#1264955) in a commercial building located on Gansevoort St. between 9<sup>th</sup> Avenue and Washington St. in a basement location which is accessed from the ground level on Gansevoort St., there is also an entry from the storefront at 22 Little West 12<sup>th</sup> St. which is operated by the same owners via the elevator which will not be used for patron access, the premises is approximately 1,800 sq. ft., there will be 21 tables and 65 seats, and 1 bar with 10 seats for a total of 75 seats, there is no sidewalk café, there is an existing Certificate of Occupancy which indicates a maximum occupancy of 98; the ground floor sneaker store is not included in this application; and,
- iii. Whereas**, the hours of operation will be Sunday through Tuesday from 9PM to 12AM and Wednesday to Saturday from 9PM to 2AM (all patrons will be cleared from the ground floor of the premises and no patrons will remain after stated closing time), there will be live music and music by DJ at entertainment levels, all doors and windows will be closed at all times except for patron ingress and egress, there will be no promoted events, but there may be scheduled performances and cover fees, there will be no velvet ropes, no movable barriers; no patrons will enter the establishment via the sneaker store storefront located on the ground floor; all patron entry will only be from Gansevoort St

and all patrons will be directed to the Gansevoort St. entrance; the Applicant explained that there would be no patrons who line up or congregate at the entrance to the establishment at any time except to check ID's prior to entry, no ropes or barriers will be used and patron holding will occur inside the establishment if necessary; and,

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

1. Premise will be advertised and operated as a cocktail bar located underneath a sneaker store.
2. The hours of operation will be Sunday through Tuesday from 9PM to 12AM and Wednesday to Saturday from 9PM to 2AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises, or any portion of the premises will not operate as a sports bar.
4. The premise will not have televisions.
5. The premises will not permit dancing and will never seek a NYC DCA Cabaret License.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes. No sidewalk café is included in this application.
7. The premises will employ a doorman/security personnel at all ours and days of operation at the door.
8. All music levels and volumes will at all times comply with all New York City Laws and Regulations.
9. The premises will not have promoted events.
10. The premises will keep closed at all times all doors and windows. There will be no French doors, operable windows or open facades.
11. Will not have unlimited drink or unlimited food & drink specials. Will not have "boozy brunches". No pitchers of beer.
12. There will be no "bottle service" or the sale of bottles of alcohol except for the sale of bottles of wine products.
13. There will be 21 tables, 65 table seats, and 1 bar with 10 seats. Maximum permissible occupancy is 98 persons total.
14. Will post a please respect the neighbors type sign.
15. There will be no ropes or barriers.
16. There will be no outside promoters.
17. May have a projector system for promotional purposes only.
18. There may be DJ's and live music.
19. There may be scheduled performances and cover charges.
20. All Patron access will be from the Gansevoort St. entrance only.
21. There will be no patron lines outside the establishment except to check id's and provide entry. Any patron holding areas will occur inside the premises.

**vi. Whereas,** a petition in support was submitted and the applicant had discussions with local residents, there was no opposition; and,

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

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of a new Tavern On Premise Liquor License for **SNS Bar, LLC, d/b/a Stockholm, 63 Gansevoort St., East Basement (aka 22 Little West 12<sup>th</sup> St.) 10014** unless the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Tavern On Premise Liquor License.

Vote: Unanimous, with 33 Board members in favor.

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



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Erik Coler, *Assistant Secretary*

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

May 26, 2017

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 May 18, 2017, 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:**

**27. Entity to be formed by Derek Feldman, d/b/a N/A, 210 W. 10th St. 10014 (RW – Restaurant) (Withdrawn-will resubmit)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on May 11<sup>th</sup>, 2017, the Applicant requested to **withdraw** this application for a new restaurant wine license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Entity to be formed by Derek Feldman, d/b/a N/A, 210 W. 10th St. 10014 until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 33 Board members in favor.

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



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Erik Coler, *Assistant Secretary*

## Community Board No. 2, Manhattan

3 Washington Square Village  
NEW YORK, NY 10012-1899  
[www.cb2manhattan.org](http://www.cb2manhattan.org)

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

May 26, 2017

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 May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **28. DBT, Inc., d/b/a N/A, 26 Carmine St. 10014 (RW – Restaurant) (Withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on May 11<sup>th</sup>, 2017, the Applicant requested to **withdraw** this application for a new restaurant wine license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **DBT Inc., d/b/a N/A, 26 Carmine St. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 33 Board members in favor.

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



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Erik Coler, *Assistant Secretary*

## Community Board No. 2, Manhattan

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May 26, 2017

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 May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**29. Big Ciccio Corp. or Entity to be formed, d/b/a Big Ciccio, 112-114 Perry St. 10014 (OP-Restaurant – with sidewalk café-previously unlicensed location) (Withdrawn-will resubmit)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on April 13<sup>th</sup>, 2017, the Applicant requested to withdraw this application for a new on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Big Ciccio Corp. or Entity to be formed, d/b/a Big Ciccio, 112-114 Perry St. 10014** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 33 Board members in favor.



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



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Erik Coler, *Assistant Secretary*

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May 26, 2017

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 May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**30. 29-33 Ninth Avenue, LLC, d/b/a TBD, 29-35 Ninth Ave. 10014 (OP – Restaurant)  
(Withdrawn-will resubmit)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on May 11<sup>th</sup>, 2017, the Applicant requested to withdraw this application for a new on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **29-33 Ninth Avenue, LLC, d/b/a TBD, 29-35 Ninth Ave. 10014** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 33 Board members in favor.

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



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Erik Coler, *Assistant Secretary*

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May 26, 2017

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 May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

### **31. Loui Amsterdam, Inc., d/b/a TBD, 76-78 Carmine St. 10014 (OP – Restaurant) (laid over)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on May 11<sup>th</sup>, 2017, the Applicant requested to **layover** this application for a new on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Loui Amsterdam, Inc., d/b/a TBD, 76-78 Carmine St. 10014 until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 33 Board members in favor.

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



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Erik Coler, *Assistant Secretary*

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May 26, 2017

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 May 18, 2017, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**32. Corp. to be formed by Nikolaos Marolachakis, Nikolaos Galanis, d/b/a TBD, 35 W. 8th St. 10011 (OP – Restaurant/Bar) (Withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on May 11<sup>th</sup>, 2017, the Applicant requested to **withdraw** this application for a new on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Corp. to be formed by Nikolaos Marolachakis, Nikolaos Galanis, d/b/a TBD, 35 W. 8th St. 10011** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 33 Board members in favor.

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

Sincerely,



Robert Ely, Chair  
SLA Licensing 1 Committee  
Community Board #2, Manhattan



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



Terri Cude, Chair  
Community Board #2, Manhattan

TC/fa

cc: Hon. Jerrold L. Nadler, Member of Congress  
Hon. Nydia M. Velázquez, Member of Congress  
Hon. Brad Hoylman, NY State Senator  
Hon. Daniel L. Squadron, NY State Senator  
Hon. Deborah J. Glick, NY State Assembly Member  
Hon. Yuh-Line Niou, NY State Assembly Member  
Hon. Gale Brewer, Man. Borough President  
Hon. Rosie Mendez, NYC Council Member  
Hon. Margaret Chin, NYC Council Member  
Hon. Corey Johnson, NYC Council Member  
Jacqueline Held, Deputy Commissioner of Licensing, NY State Liquor Authority  
Michael Jones, Chief Deputy Chief Executive Officer, NY State Liquor Authority  
Jonathan Rodriguez, Hearing Bureau, NY State Liquor Authority  
SLA Examiners